



No. 138

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Highway Traffic Act.

MR. HENRY (York, East)

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An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Highway Traffic Amendment Act, 1931*.

Rev. Stat.,
c. 251, s. 1,
cl. g,
amended. **2.** Clause (g) of section 1 of *The Highway Traffic Act* is amended by striking out the words "Public Works and" in the first line.

Rev. Stat.,
c. 251, s. 4,
subs. 1,
amended. **3.**—(1) Subsection 1 of section 4 of *The Highway Traffic Act* is amended by striking out the words "and every trailer" in the second line.

S. 4, subs. 3,
amended. (2) Subsection 3 of the said section 4 is amended by striking out all of the words after the word "goods" in the eighth line.

S. 4,
amended. (3) The said section 4 is further amended by adding thereto the following subsection:

Rear
number plate
on trailer. (5a) Every trailer while being drawn on a highway shall have exposed on the back thereof, in a conspicuous position, a number plate furnished by the Department showing in plain figures the number of the permit issued for the current year.

Rev. Stat.,
c. 251, s. 9,
cl. 1,
amended. **4.**—(1) Subsection 1 of section 9 of *The Highway Traffic Act* is amended by adding at the end thereof the words "from the front or rear, as the case may be."

S. 9, subs. 18,
cl. (a),
amended. (2) Clause (a) of subsection 18 of the said section 9 is amended by adding at the end thereof the words "from the front and from the rear of the vehicle."

Rev. Stat.,
c. 251, s. 11,
subs. 1 (1930
c. 48, s. 4),
amended. **5.** Subsection 1 of section 11 of *The Highway Traffic Act* as enacted by section 4 of *The Highway Traffic Amendment Act, 1930* (No. 2), is amended by inserting after the word "vehicle" in the first line the words "other than a motorcycle."

EXPLANATORY NOTES

Section 2. This amendment is necessary by reason of the separation of the Ministries of Public Works and Highways.

Section 3.—(1) The amendment provides for the display of a number plate on the rear of a trailer, it being unnecessary to provide for a number plate on the front thereof as the Act now requires.

Section 3.—(2) The words struck out are no longer necessary as they refer to a front number plate for trailers.

Section 3.—(3) This amendment is necessary in view of deletion of reference to trailers in preceding subsections.

Section 4. These two amendments are to clarify the requirements as to visibility of vehicle lights by stipulating as to the directions in which such lights are to be visible.

Section 5. The provisions of this subsection relating to windshield wipers and mirrors, motor cycles should be excluded.

Rev. Stat.,
c. 251, s. 22,
amended.

6. Section 22 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Garages
to report to
police in
respect
to cars
damaged
in accidents
or showing
signs of
shooting.

(4a) If a motor vehicle which shows evidence of having been involved in a serious accident or having been struck by a bullet is brought into a garage or repair shop the person in charge of the garage or repair shop shall forthwith report the same to the nearest provincial or municipal police officer, giving the name and address of the owner or operator and also the permit number and a description of the vehicle.

Rev. Stat.,
c. 251,
amended.

7. *The Highway Traffic Act* is amended by adding thereto the following section:

Unnecessarily
slow driving
prohibited.

27a.—(1) Subject to the provisions of sections 26 and 27 no motor vehicle shall be driven upon a highway at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic thereon except when such slow rate of speed is necessary for safe operation having regard to all the circumstances.

Penalty.

(2) Any person who violates any of the provisions of this section shall incur for the first offence a penalty of not less than \$5 and not more than \$50 and for any subsequent offence not less than \$10 and not more than \$100 and in addition his license or permit, or both, may be suspended for any period not exceeding thirty days.

Rev. Stat.,
c. 251, s. 31,
subs. 8
(1929, c. 68,
s. 8),
amended.

8. Subsection 8 of section 31 of *The Highway Traffic Act* as enacted by section 8 of *The Highway Traffic Amendment Act, 1929*, is amended by striking out the words "Public Works and" in the second line.

Rev. Stat.,
c. 251, s. 34,
subs. 1
(1930, c. 48,
s. 7, subs. 1),
amended.

9. Subsection 1 of section 34 of *The Highway Traffic Act* is amended by striking out all of the words after the word "vehicle" in the seventh line and inserting in lieu thereof the words "provided that the Department may by regulation designate any vehicle or classes of vehicles to which any or all of the provisions of this subsection shall not apply."

Rev. Stat.,
c. 251, s. 35,
subs. 1,
(1930, c. 48,
s. 8, subs. 1),
amended.

10. Subsection 1 of section 35 of *The Highway Traffic Act* as enacted by subsection 1 of section 8 of *The Highway Traffic Amendment Act, 1930* (No. 2), is amended by adding thereto the following clauses:

Rule for
right turn at
intersections.

(b) The driver or operator of a vehicle intending to turn to the right into an intersecting highway shall

Section 6. This provision is in furtherance of provisions towards apprehension of "hit-and-run" drivers.

Section 7. To overcome the danger caused by the slow driver who is responsible for a considerable number of highway accidents, the amendment provides a penalty for operating a motor vehicle at an unnecessarily slow speed so as to impede or block traffic.

Section 8. This amendment is necessary by reason of the separation of the Ministries of Public Works and Highways.

Section 9. The amendment authorizes the Department to exempt certain classes of commercial vehicles from compliance with this requirement as to display of name and address of the owners, etc. The exemption now applies to fire trucks, ambulances, etc., which will be continued and to which may be added classes of vehicles owned by such organizations, as the Canadian Pacific Railway, Canadian National Railways, Bell Telephone Company, Hydro-Electric Power Commission, etc.

Section 10. This amendment provides for a rule of the road governing the method of approaching and turning at intersections and also for the giving of a signal by persons intending to make left turns.

approach such intersection and turn as closely as practicable to the right curb or edge of the travelled portion of the highway.

Rule for
left turn at
intersections.

- (c) The driver or operator of a vehicle intending to turn to the left into an intersecting highway shall approach such intersection as closely as practicable to the centre line of the highway and continue beyond the centre of the intersection before turning.

Signal for
left turn.

- (d) The driver or operator of a vehicle upon a highway before turning to the left from a direct line shall first see that such movement can be made in safety, and if the operation of any other vehicle may be affected by such movement shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to make such movement.

Mode of
signalling for
left turn.

- (e) The signal required in clause (d) shall be given either by means of the hand and arm in the manner herein specified or by a mechanical or electrical signal device which has been approved by the Department.

How
to signal
manually.

- (f) Whenever the signal is given by means of the hand and arm the driver or operator shall indicate his intention to turn by extending the hand and arm horizontally from and beyond the left side of the vehicle.

Rev. Stat.,
c. 251,
amended.

11. *The Highway Traffic Act* is amended by adding thereto the following section:

Parking cars
on highways
and at
curves.

- 35a.—(1) No person shall park or leave standing any vehicle, whether attended or unattended, upon the travelled portion of a highway, outside of a city, town or village, when it is practicable to park or leave such vehicle off the travelled portion of such highway; provided that, in any event, no person shall park or leave standing any vehicle, whether attended or unattended, at a curve upon such a highway unless a clear view of such vehicle may be obtained from a distance of at least two hundred feet in each direction upon such highway.

Removal of
car parked at
prohibited
place.

- (2) Whenever a police constable or an officer appointed for carrying out the provisions of this Act shall find a vehicle upon a highway in violation of the provisions of this section, he may move such vehicle or require the driver or operator or other person in charge of such vehicle to move the same.

Section 11. General convenience and public safety requires that parking on highways outside urban municipalities either on the travelled portion of the highway or at curves be prohibited and the amendment is for that purpose.

Disabled cars.

- (3) The provisions of this section shall not apply to the driver or operator of a vehicle which is so disabled while on a highway that it is impossible to avoid temporarily a violation of such provisions.

Penalty.

- (4) Any person who violates any of the provisions of this section shall incur for the first offence a penalty of not less than \$5 and not more than \$50 and for any subsequent offence not less than \$10 and not more than \$100 and in addition his license or permit, or both, may be suspended for any period not exceeding thirty days.

Rev. Stat.,
c. 251, s. 39,
amended.

- 12.** Section 39 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Solicit-
ing rides
prohibited.

- (1a) No person shall, while on the travelled portion of a highway, solicit a ride from the driver or operator of a motor vehicle other than a public vehicle.

Rev. Stat.,
c. 251, s. 44,
subs. 1,
amended.

- 13.** Subsection 1 of section 44 of *The Highway Traffic Act* is amended by striking out all of the words after the word "Act" in the fourth line.

Rev. Stat.,
c. 251, s. 47a
(1930, c. 47,
s. 5),
amended.

- 14.** Clauses (a), (b) and (c) of section 47a of *The Highway Traffic Act* as enacted by section 5 of *The Highway Traffic Amendment Act, 1930*, are repealed and the following substituted therefor:

Service of
notice, etc.

- (a) Such notice or process may be served by leaving a copy thereof with or at the office of the Registrar, together with a bond in form and by sureties approved by the Registrar in the sum of \$200 conditioned on the failure of the plaintiff to prevail in the action for the purpose of reimbursing the defendant for the expenses necessarily incurred by him in defending the action in Ontario.

Sufficiency
of service.

- (b) Such service shall be sufficient service if notice of such service and a copy of the notice and process are forthwith sent by registered mail to the defendant and the defendant's return receipt is filed with the registrar or clerk of the court in which the action or proceeding is brought.

Rev. Stat.,
c. 251, s. 53,
subs. 3,
repealed.

- 15.** Subsection 3 of section 53 of *The Highway Traffic Act* is repealed.

Rev. Stat.,
c. 251, s. 58,
subs. 1,
amended.

- 16.** Subsection 1 of section 58 of *The Highway Traffic Act* is amended by inserting after the words and figures "under section 16" in the ninth line the words and figures "or section

Section 12. The amendment aims at elimination of the undesirable and dangerous practice of soliciting of rides by persons who stand on the travelled portion of the highway. Otherwise the amendment does not in any way affect or prevent the soliciting or giving of free rides by passing motorists.

Section 13. Now that every driver is required to have an operator's or chauffeur's license the omitted words are unnecessary.

Section 14. In furtherance of the scheme introduced in 1930 for successful prosecution of claims against non-resident motorists who are at fault in motor accidents it is desirable to improve this section so as to render a judgment obtained against a non-resident more easily satisfied in the United States. The Supreme Court of the United States has approved provisions similar to the present amendments as being fair and reasonable in such cases.

Section 15. In view of the general extension of time for commencement of action to twelve months, subsection 3 is unnecessary and its retention in the Act is misleading.

Section 16. This section provides for the reporting by police magistrates of convictions for offences. The amendment provides for furnishing of information relative to the operator's license number issued to a convicted person.

66," and by striking out the words "and the name, address and description of his employer" in the tenth and eleventh lines, and by inserting after the words and figures "under section 16" in the sixteenth line the words and figures "or section 66, as the case may be."

Rev. Stat. c. 251, s. 70, clause (f), (1930, c. 47, s. 6), repealed. **17.** Clause (f) of section 70 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is repealed and the following substituted therefor:

"State."

(f) "State" means any state of the United States of America or the District of Columbia.

Rev. Stat. c. 251, s. 72, subs. 1 (1930, c. 47, s. 6) amended. **18.**—(1) Subsection 1 of section 72 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is amended by adding after the words "owner's permit" in the first line the words "or permits."

Rev. Stat. c. 251, s. 72, subs. 3 (1930, c. 47, s. 6) amended. (2) Subsection 3 of section 72 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is amended by adding at the end thereof the following words:

"provided that the police magistrate or justice of the peace before whom such person was charged may, in his discretion, by a written permit signed by him, authorize the operation of such motor vehicle to the boundaries of the province by such route and by such person as the permit may describe."

Rev. Stat. c. 251, s. 73, (1930, c. 47, s. 6) amended. **19.** Section 73 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Reciprocal effect of subs. 1 with states having similar legislation.

(1a) The Lieutenant-Governor in Council, upon the report of the Minister that a state has enacted legislation similar in effect to subsection 1 and that such legislation extends and applies to judgments rendered and become final against residents of that state by any court of competent jurisdiction in Ontario, may, by proclamation, declare that the provisions of subsection 1 shall extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in such state.

Rev. Stat. c. 251, s. 77, (1930, c. 47, s. 6) amended. **20.** Section 77 of *The Highway Traffic Act* is amended by inserting at the commencement thereof the words "Subject to the provisions of subsection 2a of section 78."

Rev. Stat. c. 251, s. 78, subs. 1 (1930, c. 47, s. 6) amended. **21.**—(1) Subsection 1 of section 78 of *The Highway Traffic Act* is amended by inserting at the commencement

Section 17. The present clause omitted reference to the District of Columbia which should be covered thereby.

Section 18.—(1) This subsection is amended to correspond with subsection 2, the intention being that all permits issued to a person to whom this subsection applies shall be suspended pending proof of financial responsibility.

Section 18.—(2) The amendment is desirable to permit of motor vehicles being transported to a border point on special permit from a magistrate, as under the section as now worded conviction automatically prevents a motor vehicle being moved.

Section 19.—This subsection provides for suspension of permits and license of an Ontario motorist pending payment of a judgment rendered against him by a court of any State of the United States having similar legislation in effect and recognizing judgments rendered by courts in Ontario against residents of that State. It is in furtherance of the general scheme for reciprocal legislation.

Sections 20 and 21 (1) and (2). These amendments to sections 77 and 78 are intended to permit the Minister to accept as proof of financial responsibility an insurance policy certificate, bond or securities in the amount of not less than \$50,000 from owners of large fleets of vehicles, so as to procure their voluntary participation in the scheme.

thereof the words "Subject to the provisions of subsection 2a of section 78."

Rev. Stat.
c. 251, s. 75,
(1930, c. 47,
s. 6)
amended.

(2) Section 78 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Fleet of cars. (2a) In the case of an owner of ten or more motor vehicles to whom this Part applies, proof of financial responsibility in a form and in an amount, not less than \$50,000, satisfactory to the Minister, may be accepted as sufficient for the purposes of this Part.

Rev. Stat.
c. 251, s. 78,
subs. 3
(1930, c. 47,
s. 6)
repealed.

(3) Subsection 3 of section 78 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Proof by
non-resi-
dents.

(3) A person who is not a resident of Ontario may, for the purposes of this Part, give proof of financial responsibility as provided in subsection 1 or by filing a certificate of insurance in form approved by the Registrar issued by any insurer authorized to transact insurance in the state or province in which such person resides, provided such insurer has filed with the Registrar in the form prescribed by him:

- (a) a power of attorney authorizing the Registrar to accept service of notice or process for itself and for its insured in any action or proceeding arising out of a motor vehicle accident in Ontario;
- (b) an undertaking to appear in any such action or proceeding of which it has knowledge; and
- (c) an undertaking not to set up as a defence to any claim, action or proceeding under a motor vehicle liability policy issued by it, a defence which might not be set up if such policy had been issued in Ontario in accordance with the law of Ontario relating to motor vehicle liability policies, and to satisfy up to the limits of liability stated in the policy, any judgment rendered and become final against it or its insured by a court in Ontario in any such action or proceeding.

Rev. Stat.
c. 251, s. 78,
(1930, c. 47,
s. 6)
amended.

(4) Section 78 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Default of
insurer.

(4) If an insurer which has filed the documents described in subsection 3 defaults thereunder, certificates of any such insurer shall not thereafter be accepted as proof

Section 21 (3) and (4). The purpose of new subsections 3 and 4 of section 78 is to facilitate proof of financial responsibility by non-residents driving in Ontario who hold insurance policies issued in the Province or State in which they reside by insurance companies not licensed in Ontario, covering their liability in Ontario as well as elsewhere. The amendment provides for the acceptance of certificates of insurance in such cases if the insurer has complied with the requirements prescribed, namely, the filing of a power-of-attorney and the undertakings therein mentioned.

of financial responsibility under this Part so long as such default continues, and the Registrar shall forthwith notify the Superintendent of Insurance and the registrar of motor vehicles or other officer or officers, if any, in charge of registration of motor vehicles and the licensing of operators in all provinces and states where the certificates of such insurer are accepted as proof of financial responsibility.

Rev. Stat.
c. 251, s. 87,
subs. 1, cl. a,
(1930, c. 47,
s. 6),
amended. **22.**—(1) Clause *a* of subsection 1 of section 87 of *The Highway Traffic Act* is amended by adding at the end thereof the words “for both injury to the person and property damage as above prescribed; or,”.

Rev. Stat.
c. 251, s. 87,
subs. 1, cl. b,
(1930, c. 47,
s. 6),
amended. (2) Clause *b* of said subsection 1 is amended by adding at the end thereof the words “or for both injury to the person and property damage as above prescribed.”

Rev. Stat.
c. 251, s. 87,
(1930, c. 47,
s. 6),
amended. (3) The said section 87 is amended by adding thereto the following subsection:

amended.
Special
form of
policy.

(1a) Notwithstanding the provisions of subsection 1, where the coverage prescribed thereby is inconsistent with the coverage required under any other Act or is, in the opinion of the Superintendent, unsuitable to any special form of contract he may approve a form of motor vehicle liability policy sufficient or appropriate to insure the risks required or proposed to be insured, and any form of policy so approved shall be valid.

Rev. Stat.
c. 251, s. 87,
subs. 3,
(1930, c. 47,
s. 6),
amended. (4) Subsection 3 of said section 87 is amended by striking out the words “in his opinion, specifying the reasons therefor, the form of policy does not comply with the law of Ontario” and substituting therefor the words “the form of policy is not approved, specifying the reasons therefor.”

Rev. Stat.
c. 251, s. 87,
(1930, c. 47,
s. 6),
amended. (5) The said section 87 is further amended by adding thereto the following subsections:

Notification
of accidents
by insurers.

(9) Where a person, who is not a resident of Ontario, is a party to an action for damages arising out of a motor vehicle accident in Ontario for which indemnity is provided by a motor vehicle liability policy, the insurer named in the policy shall, as soon as it has knowledge of the action from any source, and whether or not liability under such policy is admitted, notify the Registrar in writing, specifying the date and place of the accident and the names and addresses of the parties to the action

Section 22. The amendments to clauses (a) and (b) of subsection 1 are to make it clear that a motor vehicle liability policy need not insure against both public liability and property damage, unless such policy is offered as proof of financial responsibility.

The addition of subsection 1a is to provide for special forms of risk such as passenger liability insurance for public vehicles and contingent liability risks, etc.

The amendment of subsection 4 is to enable the Superintendent to disapprove forms which in his opinion are improper even if quite valid in law.

The added subsections 9 and 10 are to assist in obtaining information as to accidents and as to insurance carried by non-residents.

and of the insurer, which notification shall be open to inspection by parties to the action.

Default of
insurer to
notify.

- (10) Notwithstanding anything in this Part contained, the Registrar may decline to accept as proof of financial responsibility the certificates of any insurer which fails to comply with the provisions of subsection 9.

Rev. Stat.
c. 251, s. 89,
subs. 1
(1930, c. 47,
s. 6)
amended.

23. Subsection 1 of section 89 of *The Highway Traffic Act* is amended by inserting after the word "investigates" in the first line the words "and every Crown attorney and police officer having a knowledge of."

Commence-
ment of Act.

24. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 23. This amendment is to enlarge and facilitate the means for obtaining speedy information as to fatal accidents for the purposes of the Department.

BILL

An Act to amend 'The Highway Traffic Act.

1st Reading

March 20th, 1931

2nd Reading

3rd Reading

MR. HENRY (York, East)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
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Rev. Stat.,
c. 251, s. 4,
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amended. **3.**—(1) Subsection 1 of section 4 of *The Highway Traffic Act* is amended by striking out the words "and every trailer" in the second line.

S. 4, subs. 3,
amended. (2) Subsection 3 of the said section 4 is amended by striking out all of the words after the word "goods" in the eighth line.

S. 4,
amended. (3) The said section 4 is further amended by adding thereto the following subsection:

Rear
number plate
on trailer. (5a) Every trailer while being drawn on a highway shall have exposed on the back thereof, in a conspicuous position, a number plate furnished by the Department showing in plain figures the number of the permit issued for the current year.

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S. 9, subs. 18,
cl. (a),
amended. (2) Clause (a) of subsection 18 of the said section 9 is amended by adding at the end thereof the words "from the front and from the rear of the vehicle."

Rev. Stat.,
c. 251, s. 11,
subs. 1 (1930
c. 48, s. 4),
amended. **5.** Subsection 1 of section 11 of *The Highway Traffic Act* as enacted by section 4 of *The Highway Traffic Amendment Act, 1930* (No. 2), is amended by inserting after the word "vehicle" in the first line the words "other than a motorcycle."

6. Section 22 of *The Highway Traffic Act* is amended by adding thereto the following subsection: Rev. Stat., c. 251, s. 22, amended.

(4a) If a motor vehicle which shows evidence of having been involved in a serious accident or having been struck by a bullet is brought into a garage or repair shop the person in charge of the garage or repair shop shall forthwith report the same to the nearest provincial or municipal police officer, giving the name and address of the owner or operator and also the permit number and a description of the vehicle. Garages to report to police in respect to cars damaged in accidents or showing signs of shooting.

7. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat. c. 251, amended.

27a.—(1) Subject to the provisions of sections 26 and 27 no motor vehicle shall be driven upon a highway at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic thereon except when such slow rate of speed is necessary for safe operation having regard to all the circumstances. Unnecessary slow driving prohibited.

(2) Any person who violates any of the provisions of this section shall incur for the first offence a penalty of not less than \$5 and not more than \$50 and for any subsequent offence not less than \$10 and not more than \$100 and in addition his license or permit, or both, may be suspended for any period not exceeding thirty days. Penalty.

8. Subsection 8 of section 31 of *The Highway Traffic Act* as enacted by section 8 of *The Highway Traffic Amendment Act, 1929*, is amended by striking out the words "Public Works and" in the second line. Rev. Stat., c. 251, s. 31, subs. 8 (1929, c. 68, s. 8), amended.

9. Subsection 1 of section 34 of *The Highway Traffic Act* as enacted by subsection 1 of section 7 of *The Highway Traffic Amendment Act, 1930 (No. 2)*, is amended by striking out all of the words after the word "vehicle" in the seventh line and inserting in lieu thereof the words "provided that the Department may by regulation designate any vehicle or classes of vehicles to which any or all of the provisions of this subsection shall not apply." Rev. Stat., c. 251, s. 34, subs. 1 (1930, c. 48, s. 7, subs. 1), amended.

10. Subsection 1 of section 35 of *The Highway Traffic Act* as enacted by subsection 1 of section 8 of *The Highway Traffic Amendment Act, 1930 (No. 2)*, is amended by adding thereto the following clauses: Rev. Stat., c. 251, s. 35, subs. 1, (1930, c. 48, s. 8, subs. 1), amended.

Rule for
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- (b) The driver or operator of a vehicle intending to turn to the right into an intersecting highway shall approach such intersection and turn as closely as practicable to the right curb or edge of the travelled portion of the highway.

Rule for
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intersections.

- (c) The driver or operator of a vehicle intending to turn to the left into an intersecting highway shall approach such intersection as closely as practicable to the centre line of the highway and continue beyond the centre of the intersection before turning.

Signal for
left turn.

- (d) The driver or operator of a vehicle upon a highway before turning to the left from a direct line shall first see that such movement can be made in safety, and if the operation of any other vehicle may be affected by such movement shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to make such movement.

Mode of
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- (e) The signal required in clause (d) shall be given either by means of the hand and arm in the manner herein specified or by a mechanical or electrical signal device which has been approved by the Department.

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- (f) Whenever the signal is given by means of the hand and arm the driver or operator shall indicate his intention to turn by extending the hand and arm horizontally from and beyond the left side of the vehicle.

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11. *The Highway Traffic Act* is amended by adding thereto the following section:

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- 35a.—(1) No person shall park or leave standing any vehicle, whether attended or unattended, upon the travelled portion of a highway, outside of a city, town or village, when it is practicable to park or leave such vehicle off the travelled portion of such highway; provided that, in any event, no person shall park or leave standing any vehicle, whether attended or unattended, at a curve upon such a highway unless a clear view of such vehicle may be obtained from a distance of at least two hundred feet in each direction upon such highway.

Removal of
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- (2) Whenever a police constable or an officer appointed for carrying out the provisions of this Act shall find a vehicle upon a highway in violation of the provisions of this section, he may move such

vehicle or require the driver or operator or other person in charge of such vehicle to move the same.

- (3) The provisions of this section shall not apply to the driver or operator of a vehicle which is so disabled while on a highway that it is impossible to avoid temporarily a violation of such provisions. Disabled cars.

- (4) Any person who violates any of the provisions of this section shall incur for the first offence a penalty of not less than \$5 and not more than \$50 and for any subsequent offence not less than \$10 and not more than \$100 and in addition his license or permit, or both, may be suspended for any period not exceeding thirty days. Penalty.

12. Section 39 of *The Highway Traffic Act* is amended by adding thereto the following subsection: Rev. Stat., c. 251, s. 39, amended.

- (1a) No person shall, while on the travelled portion of a highway, solicit a ride from the driver or operator of a motor vehicle other than a public vehicle. Soliciting rides prohibited.

13. Subsection 1 of section 44 of *The Highway Traffic Act* is amended by striking out all of the words after the word "Act" in the fourth line. Rev. Stat., c. 251, s. 44, subs. 1, amended.

14. Clauses (a), (b) and (c) of section 47a of *The Highway Traffic Act* as enacted by section 5 of *The Highway Traffic Amendment Act, 1930*, are repealed and the following substituted therefor: Rev. Stat., c. 251, s. 47a (1930, c. 47, s. 5), amended.

- (a) Such notice or process may be served by leaving a copy thereof with or at the office of the Registrar, together with a bond in form and by sureties approved by the Registrar in the sum of \$200 conditioned on the failure of the plaintiff to prevail in the action for the purpose of reimbursing the defendant for the expenses necessarily incurred by him in defending the action in Ontario. Service of notice, etc.

- (b) Such service shall be sufficient service if notice of such service and a copy of the notice and process are forthwith sent by registered mail to the defendant and the defendant's return receipt is filed with the registrar or clerk of the court in which the action or proceeding is brought. Sufficiency of service.

15. Subsection 3 of section 53 of *The Highway Traffic Act* is repealed. Rev. Stat., c. 251, s. 53, subs. 3, repealed.

Rev. Stat.
c. 251, s. 58,
subs. 1,
amended.

16. Subsection 1 of section 58 of *The Highway Traffic Act* is amended by inserting after the words and figures "under section 16" in the ninth line the words and figures "or section 66," and by striking out the words "and the name, address and description of his employer" in the tenth and eleventh lines, and by inserting after the words and figures "under section 16" in the sixteenth line the words and figures "or section 66, as the case may be."

Rev. Stat.
c. 251, s. 70,
clause (f)
(1930, c. 47,
s. 6),
repealed.

17. Clause (f) of section 70 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is repealed and the following substituted therefor:

"State."

(f) "State" means any state of the United States of America or the District of Columbia.

Rev. Stat.
c. 251, s. 72,
subs. 1
(1930, c. 47,
s. 6)
amended.

18.—(1) Subsection 1 of section 72 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is amended by adding after the words "owner's permit" in the first line the words "or permits."

Rev. Stat.
c. 251, s. 72,
subs. 3
(1930, c. 47,
s. 6)
amended.

(2) Subsection 3 of section 72 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is amended by adding at the end thereof the following words:

"provided that the police magistrate or justice of the peace before whom such person was charged may, in his discretion, by a written permit signed by him, authorize the operation of such motor vehicle to the boundaries of the province by such route and by such person as the permit may describe."

Rev. Stat.
c. 251, s. 73,
(1930, c. 47,
s. 6)
amended.

19. Section 73 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is amended by adding thereto the following subsection:

Reciprocal
effect of
subs. 1
with states
having
similar
legislation.

(1a) The Lieutenant-Governor in Council, upon the report of the Minister that a state has enacted legislation similar in effect to subsection 1 and that such legislation extends and applies to judgments rendered and become final against residents of that state by any court of competent jurisdiction in Ontario, may, by proclamation, declare that the provisions of subsection 1 shall extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in such state.

Rev. Stat.
c. 251, s. 77,
(1930, c. 47,
s. 6)
amended.

20. Section 77 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is

amended by inserting at the commencement thereof the words "Subject to the provisions of subsection 2a of section 78."

21.—(1) Subsection 1 of section 78 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is amended by inserting at the commencement thereof the words "Subject to the provisions of subsection 2a of section 78." Rev. Stat.
c. 251, s. 78,
subs. 1
(1930, c. 47,
s. 6)
amended.

(2) The said section 78 is amended by adding thereto the following subsection: Rev. Stat.
c. 251, s. 75,
(1930, c. 47,
s. 6)
amended.

(2a) In the case of an owner of ten or more motor vehicles to whom this Part applies, proof of financial responsibility in a form and in an amount, not less than \$50,000, satisfactory to the Minister, may be accepted as sufficient for the purposes of this Part. Fleet of cars.

(3) Subsection 3 of the said section 78 is repealed and the following substituted therefor: Rev. Stat.
c. 251, s. 78,
subs. 3
(1930, c. 47,
s. 6)
repealed.

(3) A person who is not a resident of Ontario may, for the purposes of this Part, give proof of financial responsibility as provided in subsection 1 or by filing a certificate of insurance in form approved by the Registrar issued by any insurer authorized to transact insurance in the state or province in which such person resides, provided such insurer has filed with the Registrar in the form prescribed by him: Proof by
non-resi-
dents.

- (a) a power of attorney authorizing the Registrar to accept service of notice or process for itself and for its insured in any action or proceeding arising out of a motor vehicle accident in Ontario;
- (b) an undertaking to appear in any such action or proceeding of which it has knowledge; and
- (c) an undertaking not to set up as a defence to any claim, action or proceeding under a motor vehicle liability policy issued by it, a defence which might not be set up if such policy had been issued in Ontario in accordance with the law of Ontario relating to motor vehicle liability policies, and to satisfy up to the limits of liability stated in the policy, any judgment rendered, and become final against it or its insured by a court in Ontario in any such action or proceeding.

Rev. Stat.
c. 251, s. 78,
(1930, c. 47,
s. 6)
amended.

(4) The said section 78 is amended by adding thereto the following subsection:

Default of
insurer.

- (4) If an insurer which has filed the documents described in subsection 3 defaults thereunder, certificates of any such insurer shall not thereafter be accepted as proof of financial responsibility under this Part so long as such default continues, and the Registrar shall forthwith notify the Superintendent of Insurance and the registrar of motor vehicles or other officer or officers, if any, in charge of registration of motor vehicles and the licensing of operators in all provinces and states where the certificates of such insurer are accepted as proof of financial responsibility.

Rev. Stat.
c. 251, s. 87,
subs. 1, cl. a,
(1930, c. 47,
s. 6),
amended.

22.—(1) Clause *a* of subsection 1 of section 87 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is amended by adding at the end thereof the words “for both injury to the person and property damage as above prescribed; or,”.

Rev. Stat.
c. 251, s. 87,
subs. 1, cl. b,
(1930, c. 47,
s. 6),
amended.

(2) Clause *b* of said subsection 1 is amended by adding at the end thereof the words “or for both injury to the person and property damage as above prescribed.”

Rev. Stat.
c. 251, s. 87,
(1930, c. 47,
s. 6),
amended.

(3) The said section 87 is amended by adding thereto the following subsection:

Special
form of
policy.

- (1a) Notwithstanding the provisions of subsection 1, where the coverage prescribed thereby is inconsistent with the coverage required under any other Act or is, in the opinion of the Superintendent, unsuitable to any special form of contract he may approve a form of motor vehicle liability policy sufficient or appropriate to insure the risks required or proposed to be insured, and any form of policy so approved shall be valid.

Rev. Stat.
c. 251, s. 87,
subs. 3,
(1930, c. 47,
s. 6),
amended.

(4) Subsection 3 of said section 87 is amended by striking out the words “in his opinion, specifying the reasons therefor, the form of policy does not comply with the law of Ontario” and substituting therefor the words “the form of policy is not approved, specifying the reasons therefor.”

Rev. Stat.
c. 251, s. 87,
(1930, c. 47,
s. 6),
amended.

(5) The said section 87 is further amended by adding thereto the following subsections:

Notification
of accidents
by insurers.

- (9) Where a person, who is not a resident of Ontario, is a party to an action for damages arising out of a motor vehicle accident in Ontario for which

indemnity is provided by a motor vehicle liability policy, the insurer named in the policy shall, as soon as it has knowledge of the action from any source, and whether or not liability under such policy is admitted, notify the Registrar in writing, specifying the date and place of the accident and the names and addresses of the parties to the action and of the insurer, which notification shall be open to inspection by parties to the action.

- (10) Notwithstanding anything in this Part contained, the Registrar may decline to accept as proof of financial responsibility the certificates of any insurer which fails to comply with the provisions of subsection 9.

23. Subsection 1 of section 89 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is amended by inserting after the word "investigates" in the first line the words "and every Crown attorney and police officer having a knowledge of."

Rev. Stat.
c. 251, s. 89,
subs. 1
(1930, c. 47,
s. 6)
amended.

24. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

BILL

An Act to amend The Highway Traffic Act.

1st Reading

March 20th, 1931

2nd Reading

March 23rd, 1931

3rd Reading

March 31st, 1931

MR. HENRY (York, East)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting the Department of Public Welfare.

MR. HENRY (York, East)

BILL

An Act respecting the Department of Public Welfare.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Department of Public Welfare Act, 1931*.

Interpreta- **2.** In this Act,—
tion.

"Depart- (a) "Department" shall mean the Department of
ment." Public Welfare.

"Minister." (b) "Minister" shall mean the member of the Executive
Council for the time being in charge of the Depart-
ment.

Creation of **3.** There shall be a department of the public service of
Department Ontario to be known as "The Department of Public Welfare"
of Public over which the Minister shall preside and have charge.
Welfare.

Jurisdiction **4.** The Department shall administer such Acts, and regu-
of lations made thereunder, as may be provided therein or as
Department. may from time to time be designated by the Lieutenant-
Governor in Council.

Powers of **5.** The Department may,—
Department.

- (a) institute enquiry into and collect information and statistics relating to all matters of public welfare;
- (b) disseminate information in such manner and form as may be found best adapted to promote public welfare;
- (c) secure the observance and execution of the provisions of all Acts and regulations dealing with matters of public welfare;

EXPLANATORY NOTES

Consequent upon the appointment of a Minister of Public Welfare it is necessary to provide adequate legislation to enable him and his Department to function.

Legislation of a similar character was passed upon the appointment of the Minister of Labour.

- (d) investigate, inspect and report upon all activities, agencies, organizations, associations or institutions having for their object the social welfare or care of men, women and children in Ontario and which are not under the control of any other department of the public service of Ontario;
- (e) recommend to the Lieutenant-Governor in Council regulations respecting welfare institutions, organizations, or agencies and governing the soliciting of alms, food, clothing, moneys and contributions of any kind for charitable or benevolent purposes in Ontario.

Annual
report.

6. The Department shall submit to the Lieutenant-Governor in Council an annual report upon the affairs and work of the Department as he may require, and such report shall be laid before the Assembly within twenty-one days after the commencement of the next Session.

Control over
charitable
institutions.

7. The Lieutenant-Governor in Council upon the recommendation of the Minister may from time to time declare any charitable institution or class or classes of charitable institutions to be subject to the control of the Minister and may with respect thereto make regulations relating to any such charitable institution or institutions and their affairs and particularly in respect to the procuring of funds from the public and as to their application.

Appoint-
ment of
inspectors.

8. The Lieutenant-Governor in Council may upon the recommendation of the Minister appoint any officer of the Department as an inspector for the purposes of any Act administered by the Department, where provision is not made in such Act for the appointment of an inspector, and an inspector so appointed shall have such powers and perform such duties as may from time to time be prescribed by the Lieutenant-Governor in Council.

Commence-
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act respecting the Department
of Public Welfare.

1st Reading

March 20th, 1931

2nd Reading

3rd Reading

MR. HENRY (York, East)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting the Department of Public Welfare.

MR. HENRY (York, East)

No. 139

1931

BILL

An Act respecting the Department of Public Welfare.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Department of Public Welfare Act, 1931*.

Interpretation. **2.** In this Act,—

"Department." (a) "Department" shall mean the Department of Public Welfare.

"Minister." (b) "Minister" shall mean the member of the Executive Council for the time being in charge of the Department.

Creation of Department of Public Welfare. **3.** There shall be a department of the public service of Ontario to be known as "The Department of Public Welfare" over which the Minister shall preside and have charge.

Jurisdiction of Department. **4.** The Department shall administer such Acts, and regulations made thereunder, as may be provided therein or as may from time to time be designated by the Lieutenant-Governor in Council.

Powers of Department. **5.** The Department may,—

- (a) institute enquiry into and collect information and statistics relating to all matters of public welfare;
- (b) disseminate information in such manner and form as may be found best adapted to promote public welfare;
- (c) secure the observance and execution of the provisions of all Acts and regulations dealing with matters of public welfare;

- (d) investigate, inspect and report upon all activities, agencies, organizations, associations or institutions having for their object the social welfare or care of men, women and children in Ontario and which are not under the control of any other department of the public service of Ontario;
- (e) recommend to the Lieutenant-Governor in Council regulations respecting welfare institutions, organizations, or agencies and governing the soliciting of alms, food, clothing, moneys and contributions of any kind for charitable or benevolent purposes in Ontario.

6. The Department shall submit to the Lieutenant-Governor in Council an annual report upon the affairs and work of the Department as he may require, and such report shall be laid before the Assembly within twenty-one days after the commencement of the next Session.

Annual
report.

7. The Lieutenant-Governor in Council upon the recommendation of the Minister may from time to time declare any charitable institution or class or classes of charitable institutions to be subject to the control of the Minister and may with respect thereto make regulations relating to any such charitable institution or institutions and their affairs and particularly in respect to the procuring of funds from the public and as to their application.

Control over
charitable
institutions.

8. The Lieutenant-Governor in Council may upon the recommendation of the Minister appoint any officer of the Department as an inspector for the purposes of any Act administered by the Department, where provision is not made in such Act for the appointment of an inspector, and an inspector so appointed shall have such powers and perform such duties as may from time to time be prescribed by the Lieutenant-Governor in Council.

Appoint-
ment of
inspectors.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

BILL

An Act respecting the Department
of Public Welfare.

1st Reading

March 20th, 1931

2nd Reading

March 23rd, 1931

3rd Reading

March 31st, 1931

MR. HENRY (York, East)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

The McMaster University Lands Act, 1931.

MR. MONTEITH

BILL

The McMaster University Lands Act, 1931.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The McMaster University Lands Act, 1931*.

Lands on
Bloor Street,
Toronto,
vested in
Province.

2. The lands described as follows, namely,—

“All and singular that certain parcel or tract of land and premises situate, lying and being in the said city of Toronto (containing by admeasurement one and forty-three one-hundredths ($1 \frac{43}{100}$) acres more or less) being parts of park lots numbers twelve and thirteen, more particularly described as follows: Commencing in the southerly limit of Bloor Street at a point where a stone monument has been planted at the distance of seven hundred and eighty-six feet on a course north seventy-four degrees east from the easterly limit of St. George Street; thence north seventy-four degrees east or along the southerly limit of Bloor Street two hundred and fifty feet to a stone monument; thence south sixteen degrees east or at right angles to Bloor Street two hundred and fifty feet to a stone monument and thence south seventy-four degrees west or parallel to Bloor Street two hundred and fifty feet to a stone monument and thence north sixteen degrees west or at right angles to Bloor Street, two hundred and fifty feet to the place of beginning. Save and except the strip of land containing $3,414 \frac{8}{10}$ square feet taken from the front of said parcel for the widening of Bloor Street, by the city of Toronto under the authority of by-law number 9416, finally passed November 28th, A.D. 1922;

are hereby vested in His Majesty the King in the right of the Province of Ontario for the general purposes of the Province,

free from all trusts, covenants, conditions, restrictions, liens, charges and encumbrances whatsoever.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

BILL.

The McMaster University Lands Act, 1931.

1st Reading

March 23rd, 1931

2nd Reading

3rd Reading

MR. MONTEITH

No. 140

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

The McMaster University Lands Act, 1931.

MR. MONTEITH

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 140

1931

BILL

The McMaster University Lands Act, 1931.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The McMaster University Lands Act, 1931*.

Lands on
Bloor Street,
Toronto,
vested in
Province.

2. The lands described as follows, namely,—

“All and singular that certain parcel or tract of land and premises situate, lying and being in the city of Toronto in the county of York and Province of Ontario (containing by admeasurement one and forty-three one-hundredths ($1 \frac{43}{100}$) acres, be the same more or less) and being parts of park lots numbers twelve and thirteen, more particularly described as follows: Commencing in the southerly limit of Bloor Street at a point where a stone monument has been planted at the distance of seven hundred and eighty-six feet on a course north seventy-four degrees east from the easterly limit of St. George Street; thence north seventy-four degrees east or along the southerly limit of Bloor Street two hundred and fifty feet to a stone monument; thence south sixteen degrees east or at right angles to Bloor Street two hundred and fifty feet to a stone monument and thence south seventy-four degrees west or parallel to Bloor Street two hundred and fifty feet to a stone monument and thence north sixteen degrees west or at right angles to Bloor Street, two hundred and fifty feet to the place of beginning. Save and except the strip of land containing $3,414 \frac{8}{10}$ square feet taken from the front of said parcel for the widening of Bloor Street, by the city of Toronto under the authority of by-law number 9416, finally passed November 28th, A.D. 1922;

are hereby vested in His Majesty the King in the right of the Province of Ontario for the general purposes of the Province, free from all trusts, covenants, conditions, restrictions, liens, charges and encumbrances whatsoever.

3. This Act shall come into force on the day upon which ^{Commence-} it receives the Royal Assent. ^{ment of Act.}

BILL

The McMaster University Lands Act, 1931.

1st Reading

March 23rd, 1931

2nd Reading

March 25th, 1931

3rd Reading

March 31st, 1931

MR. MONTEITH

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting Superannuation and Benefit Funds for Firemen.

MR. MURPHY (St. Patrick)

No. 141

1931

BILL

An Act respecting Superannuation and Benefit Funds for Firemen.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Firemen's Superannuation and Benefit Fund Act, 1931*.

Establishment of Benefit Fund; payment to cover accrued liability; power to borrow money.

2.—(1) It shall be the duty of every municipal corporation mentioned in schedule "A" to this Act to establish, prior to the first day of January, 1933, a superannuation and benefit fund for the benefit of the permanent employees of the fire department, hereinafter called the "firemen," and to pay into such fund the amounts set opposite the names of each corporation (or such increased or decreased amount as the Superintendent of Insurance may certify to be necessary, to cover the accrued liability at that date); and may borrow money for that purpose by the issue of debentures payable within a period not exceeding twenty years without obtaining the assent of the electors entitled to vote on money by-laws.

Annual contribution by municipality.

(2) It shall also be the duty of every such municipal corporation to pay into the fund annually at least two per centum of the total amount of the annual wages or salaries paid to the firemen.

Name of fund.

(3) The fund shall be known as "The Firemen's Superannuation and Benefit Fund of," (inserting the name of each municipal corporation) hereinafter called the "Fund."

Revenue of fund.

(4) The proceeds of all fines which may from time to time be imposed upon the firemen, and all moneys required to be paid into the said fund by the municipal corporation, and any other moneys which may from time to time be legitimately applied thereto by the council of the corporation, shall be placed to the credit of the said fund.

EXPLANATORY NOTES

This Bill is the same as Bill 156 which was introduced in 1930 with some minor amendments to Schedules "A" and "B."

The purpose of the Bill is to bring about the establishment of a compulsory superannuation and benefit fund for the members of fire departments in the several cities and towns mentioned in Schedule "A" and to ensure that the fund will be commenced on a sound actuarial basis the municipalities are required to pay into the fund the amounts set forth against them respectively in the schedule and authority is given for the issue of debentures to obtain funds for such purpose.

In future years the municipality is to pay two per cent. of the total wages of the firemen into the fund and the firemen are to have deducted an amount not exceeding seven per cent. of their wages.

The Bill contains the necessary provisions with respect to the management and operation of the fund, the scale of pensions and benefits which may be paid from the fund and as to the allowances which are to be paid to the families of deceased firemen.

The Department of Insurance will have control of the operation of this fund.

Contributions by firemen.

3.—(1) Every fireman on the department at the date of the establishment of the fund shall be eligible to participate in the said fund and shall contribute semi-monthly an amount not greater than a maximum of seven per centum of the gross amount of his wages or salary as deemed necessary by the initial actuarial report.

New firemen over 26 excluded.

(2) No firemen over the age of twenty-six years shall be appointed after the date of the establishment of the fund to the fire department nor allowed to participate in the said fund.

New firemen under 26 must have medical examination.

(3) Every fireman under the age of twenty-six years appointed after the date of the establishment of the fund shall participate in the said fund provided he has passed a satisfactory medical examination by a medical officer of the municipality, and contributes thereto as provided in this Act.

Contributions to be deducted from pay-sheet.

(4) The payments provided to be paid into the fund by this Act shall be deducted on the pay sheet in like manner as any other stoppages upon the certificate of the chief of the fire department, and shall be paid over semi-monthly in a lump sum to the municipal treasurer who shall be the treasurer of the said fund.

Management of fund by committee.

4. The fund shall be under the management and control of a committee which shall be called "The Firemen's Superannuation and Benefit Fund Committee," hereinafter called the committee.

Representation upon committee.

5. The committee shall consist of one member of the municipal council to be appointed annually by the council, the clerk, the treasurer, and the solicitor, if any, of the municipality, the chief of the fire department, and one representative of the firemen to be elected annually by the members of the department who are eligible to participate in the fund.

Investment of fund.

6. All moneys accumulated in the said fund shall be invested from time to time on the recommendation of the committee, approved by the Board of Control, if any, otherwise by the municipal council, in such securities as a trustee may invest in under *The Trustee Act*.

Rev. Stat., c. 150.

Payments out of fund.

7. No money shall be paid out of the said fund by the treasurer unless ordered by the committee and sanctioned by the Board of Control, if any, otherwise by the municipal council.

Annual report of treasurer.

8. It shall be the duty of the treasurer to prepare an annual report immediately after the close of each year and present the said report to the committee at its regular meeting

in February, which report shall give the receipts and disbursements of the preceding calendar year in detail, and include a balance sheet of the assets and liabilities of the fund as at the close of the said year.

Actuarial
investiga-
tion.

Rev. Stat.,
c. 222.

9. An actuarial investigation of the assets and liabilities of the fund shall be made at least once in every three years by a qualified actuary as defined in *The Insurance Act* appointed by the committee and the results of the investigations shall be included in the treasurer's report and a copy thereof shall be filed with the Superintendent of Insurance forthwith upon completion.

Audit.

10. At the end of each year and at such other time as the municipal council may determine the books and accounts of the treasurer shall be audited by the municipal auditor who shall report to the municipal council and to the committee.

Benefits,
allowances
and
pensions.

Rev. Stat.,
c. 222.

11. The firemen shall be entitled to the benefits, allowances and pensions set out in schedule "B" to this Act; provided that, where the valuation balance sheet of the fund prescribed by subsection 1 of section 220 of *The Insurance Act* shows a surplus of assets of more than five per centum over and above all net liabilities, the committee may, with the approval of a qualified actuary as defined in *The Insurance Act*, and upon filing a certificate of his approval with the Superintendent of Insurance, put into effect new benefits or benefits additional to those set out in schedule "B" to this Act.

Application
for
benefits.

12. Every application for a pension or an allowance must come before the committee and a report on the case be sent in for the approval of the Board of Control, if any, otherwise by the municipal council, and in cases of difference between the committee and the council the judgment or decision of the council shall be final.

Appoint-
ment of
medical
board.

13. In all cases where a fireman claims a benefit under sections 2 or 3 of schedule "B" or is reported by the medical officer of the department as physically or mentally unfit for further service the committee shall appoint a medical board of reputable physicians to enquire into the case and report to the committee, which medical board shall be composed as follows: one appointed by the committee whose fees shall be paid by the fund; a second appointed by the claimant who shall pay his fee; a third appointed by the municipal council whose fees shall be paid by the corporation.

Committee
to
designate
beneficiary.

14. All pensions, allowances and benefits payable out of the fund shall be paid to the person designated by the committee.

Secretary to
keep
pension list.

15. The secretary shall keep a correct pension list which shall set forth the name, rank, date of birth, description and service of each pensioner, amount of pension, and the circumstances under which the pension was granted.

Committee
may make
by-laws and
regulations.

16. The committee may, with the approval of the Board of Control, if any, otherwise by the municipal council make such by-laws, rules and regulations as are necessary for the election of the representative of the firemen upon the committee and for the proper administration of the fund.

Provisions of
Insurance
Act to
apply.

17. Municipal superannuation and benefit funds created under the authority of this Act shall for the purposes of *The Insurance Act* be deemed to be fraternal societies and subject to the provisions of the said Act applicable to fraternal societies the membership of which is confined to municipal employees.

Commence-
ment of Act.

18. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A"

AS AT 30TH JUNE, 1929

Municipality	Accrued Liability.
Brantford.....	\$93,500
Chatham.....	61,000
East Windsor.....	15,500
Fort William.....	68,000
Galt.....	16,000
Guelph.....	33,000
Kingston.....	75,500
Kitchener.....	40,500
London.....	120,000
Niagara Falls.....	45,000
North Bay.....	20,500
Oshawa.....	20,500
Peterborough.....	26,000
Port Arthur.....	67,500
Sarnia.....	14,500
Sault Ste. Marie.....	59,000
St. Catharines.....	49,500
St. Thomas.....	13,500
Walkerville.....	11,000
Welland.....	25,000
Windsor.....	72,000
Woodstock.....	38,000
Total.....	\$985,000

SCHEDULE "B"

SCHEDULE OF BENEFITS

- (1) On resignation (except where worn out in service).
Length of service and benefit:
 - (a) 10 years and under—none.
 - (b) Over 10 years up to 15 years; Allowance of one-half of his contributions.
 - (c) Over 15 years up to 20 years; Allowance of three-quarters of his contributions.
 - (d) Over 20 years; allowance of 20 days' salary for each full year of service completed.
- (2) On resignation (where worn out in service).
Length of service and benefit:
 - (a) Up to 15 years; allowance of 20 days' salary for each full year of service completed.
 - (b) Over 15 years up to 20 years; allowance of one month's salary for each full year of service completed.
 - (c) Over 20 years up to 25 years; pension of three-eighths salary for life.
 - (d) Over 25 years; pension of one-half salary for life.

- (3) On disablement from injuries received in the lawful execution of duty, so as to be wholly or permanently incapacitated from further service as a fireman.

- (a) Pension of one-half salary for life.

Provided, however, that the pension to which a fireman shall be entitled under the foregoing subsections Nos. 2 and 3 shall not in any case be greater than the pension specified on retirement after thirty years' continuous service, under subsection 5 hereof, but such fireman shall be entitled to receive only the maximum pension under subsection 5 of this section.

- (4) On death from any cause while in the service the sum of a minimum amount of at least \$2,000 and a maximum of \$3,500, Provided that the same amount shall be paid to all ranks.

- (5) On retirement after thirty years continuous service:

- Pension of one-half salary for life. Provided, however, that the maximum allowance shall be fixed at \$2,000 per annum.

- (6)—(a) In estimating the length of service, those firemen who resigned or were dismissed, and were subsequently reappointed will count their service from the date of their last appointment.

- (b) Pensions shall be payable half-monthly on the first and sixteenth days of each month.

- (7) In the event of a pensioner dying before he has drawn an aggregate amount of pension equal to what his death benefit would have been under subsection 4, preceding, had he died in the service immediately before the commencement of his pension, then there will be payable the amount of the said death benefit, less the aggregate amount which he had drawn as pension.

- (8)—(a) In calculating the amount of any pension payable under the provisions of clause *b* or *d* of subsection 2, subsection 3, or subsection 5 of this section, the salary upon which such pension is based shall be the average salary or wages received by the person in respect of whom such pension is payable during the last three years of his service.

- (b) In case of any other allowance or benefit provided for in this section which is based on salary, such salary shall in all cases where the applicant has served for ten years or more, be the average during the last ten years of his service of his salary or wages upon which he has paid a percentage to the Fund and in all cases where the applicant has served less than ten years, shall be the average during the whole time of his service of the salary or wages upon which he has paid a percentage to the Fund.

BILL

An Act respecting Superannuation and
Benefit Funds for Firemen.

1st Reading

March 23rd, 1931

2nd Reading

3rd Reading

MR. MURPHY (St. Patrick)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Public Health Act.

MR. MURPHY (St. Patrick)

No. 142

1931

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.
c. 262, s. 87a,
subs. 2,
(1930, c. 52,
s. 3),
repealed. **1.** Subsection 2 of section 87a of *The Public Health Act* as enacted by section 3 of *The Public Health Act, 1930*, is repealed.

Commence
ment of Act. **2.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

The repealed subsection exempted from any by-law passed under section 87*a*, hairdressing establishments where less than three persons are employed.

The object of this amendment is to make all hairdressing establishments subject to the by-law when it is approved by the Department of Health.

BILL

An Act to amend The Public Health Act.

1st Reading

March 23rd, 1931

2nd Reading

3rd Reading

MR. MURPHY (St. Patrick)

NO. 143

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Bees Act.

MR. KENNEDY (Peel)

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 143

1931

BILL

An Act to amend The Bees Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Bees Act, 1931*.

Rev. Stat.
c. 314, s. 9,
subs. 2,
repealed.

2. Subsection 2 of section 9 of *The Bees Act* is repealed and the following substituted therefor:

Destruction
where
disease
malignant.

(2) If the inspector finds that foul brood exists in a virulent or malignant type he may immediately destroy by fire all colonies of bees so affected, together with the hives occupied by them and the contents of such hives and all tainted appurtenances that cannot be disinfected.

Rev. Stat.
c. 314, s. 12,
subs. 1,
amended.

3. Subsection 1 of section 12 of *The Bees Act* is amended by striking out the word "certificate" in the fourth line and inserting in lieu thereof the word "permit," so that the subsection will now read as follows:

Sale of
infected
bees or
articles.

(1) The owner or possessor of an apiary shall not sell, barter, give away or remove from the premises any bees or used apiary appliances or apparatus until he has secured a permit from the Provincial Apiarist that such bees, used apiary appliances or apparatus have been properly disinfected and are free from disease.

Rev. Stat.
c. 314, s. 13,
amended.

4. Section 13 of *The Bees Act* is amended by striking out the words "being authorized by the Inspector" in the fourth line and inserting in lieu thereof the words "receiving a permit from the Provincial Apiarist," so that the section will now read as follows:

Selling
infected
bees after
treatment or
exposing
appliances.

13. Any person whose bees have been destroyed or treated for foul brood who sells or offers for sale any bees, hives or appurtenances of any kind after

EXPLANATORY NOTES

Section 2. This gives the inspector power to go ahead and destroy bees found to be infected with foul brood whereas by the present Act he may only order this to be done. Delay in carrying out the inspector's orders is found to cause an increase in the disease.

Section 3. This merely provides for the substitution of the word "permit" for the word "certificate" used in the present Act in order to make the meaning clearer.

Section 4. The present Act makes it an offence for any person whose bees have been destroyed or treated for foul brood to sell or offer for sale such bees, hives or appurtenances before being authorized so to do by the inspector. By the proposed amendment this authorization must take the form of a permit from the Provincial Apiarist.

such destruction or treatment and before receiving a permit from the Provincial Apiarist so to do, or who exposes in his bee-yard, or elsewhere, any infected comb honey or other infected thing, or conceals the fact that such disease exists among his bees, shall incur a penalty of not less than \$20 or more than \$50, or he may be imprisoned for a term not exceeding two months.

Rev. Stat.
c. 314, s. 15,
repealed.

5. Section 15 of *The Bees Act* is repealed and the following substituted therefor:

Employment
of special
constables
where
owner offers
resistance.

15. Where such owner or possessor of bees offers resistance to or obstructs the inspector, a justice of the peace may, upon the complaint of the inspector, cause a sufficient number of special constables to be sworn in who shall, under the directions of the inspector, proceed to the premises of such owner or possessor and assist the inspector to seize all the diseased colonies and infected appurtenances and burn them forthwith, and if necessary the inspector or constables may arrest the owner or possessor and bring him before a justice of the peace to be dealt with according to the provisions of the next preceding section.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 5. The present section 15 provides that where the owner or possessor of bees "disobeys the directions of the inspector or offers resistance to or obstructs him, a justice of the peace may—etc." The change is necessary owing to the amendment made by section 2 of the Bill which provides that the inspector himself may destroy the bees instead of ordering this to be done.

BILL

An Act to amend The Bees Act.

1st Reading

March 23rd, 1931

2nd Reading

3rd Reading

MR. KENNEDY (Peel)

No. 143

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Bees Act.

MR. KENNEDY (Peel)

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 143

1931

BILL

An Act to amend The Bees Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Bees Act, 1931*.

Rev. Stat.
c. 314, s. 9,
subs. 2,
repealed.

2. Subsection 2 of section 9 of *The Bees Act* is repealed and the following substituted therefor:

Destruction
where
disease
malignant.

(2) If the inspector finds that foul brood exists in a virulent or malignant type he may immediately destroy by fire all colonies of bees so affected, together with the hives occupied by them and the contents of such hives and all tainted appurtenances that cannot be disinfected.

Rev. Stat.
c. 314, s. 12,
subs. 1,
amended.

3. Subsection 1 of section 12 of *The Bees Act* is amended by striking out the word "certificate" in the fourth line and inserting in lieu thereof the word "permit," so that the subsection will now read as follows:

Sale of
infected
bees or
articles.

(1) The owner or possessor of an apiary shall not sell, barter, give away or remove from the premises any bees or used apiary appliances or apparatus until he has secured a permit from the Provincial Apiarist that such bees, used apiary appliances or apparatus have been properly disinfected and are free from disease.

Rev. Stat.
c. 314, s. 13,
amended.

4. Section 13 of *The Bees Act* is amended by striking out the words "being authorized by the Inspector" in the fourth line and inserting in lieu thereof the words "receiving a permit from the Provincial Apiarist," so that the section will now read as follows:

Selling
infected
bees after
treatment or
exposing
appliances.

13. Any person whose bees have been destroyed or treated for foul brood who sells or offers for sale any bees, hives or appurtenances of any kind after

such destruction or treatment and before receiving a permit from the Provincial Apiarist so to do, or who exposes in his bee-yard, or elsewhere, any infected comb honey or other infected thing, or conceals the fact that such disease exists among his bees, shall incur a penalty of not less than \$20 or more than \$50, or he may be imprisoned for a term not exceeding two months.

5. Section 15 of *The Bees Act* is repealed and the following substituted therefor: Rev. Stat. c. 314, s. 15, repealed.

15. Where such owner or possessor of bees offers resistance to or obstructs the inspector, a justice of the peace may, upon the complaint of the inspector, cause a sufficient number of special constables to be sworn in who shall, under the directions of the inspector, proceed to the premises of such owner or possessor and assist the inspector to seize all the diseased colonies and infected appurtenances and burn them forthwith, and if necessary the inspector or constables may arrest the owner or possessor and bring him before a justice of the peace to be dealt with according to the provisions of the next preceding section. Employment of special constables where owner offers resistance.

6. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

An Act to amend The Bees Act.

1st Reading

March 23rd, 1931

2nd Reading

March 25th, 1931

3rd Reading

March 31st, 1931

MR. KENNEDY (Peel)

No. 144

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to regulate Barber Shops in the Province of Ontario.

MR. MCBRIEN

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to regulate Barber Shops in the Province of Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Barbers' Regulation Act, 1931.*

Interpre- **2.** In this Act,—
tation.

"Barber." (a) "Barber" shall mean a person engaged at the vocation of barber who can skillfully and in a sanitary manner, shave, cut hair, shampoo, give facial massage, scalp massage, and other work pertaining to the barber trade as may be required by the regulations under this Act;

"Board." (b) "Board" shall mean the Board of Examiners appointed under this Act;

"Minister." (c) "Minister" shall mean the member of the Executive Council for the time being charged by the Lieutenant-Governor in Council with the administration of this Act;

Regulations. (d) "Regulations" shall mean regulations made under the authority of this Act.

Board of **3.—(1)** The Lieutenant-Governor in Council shall appoint
Examiners, a Board of Examiners which shall be composed of three
constitution persons, all practical master and journeyman barbers, who shall,
and powers. subject to the regulations, issue licenses to such applicants
therefor as shall satisfy the Board that they are suitable
persons to be permitted to carry on the occupation of barber,
and shall pay the fee on such licenses prescribed by the
regulations.

EXPLANATORY NOTE

This Bill provides for the control of the occupation of barber by a board of examiners to be appointed by the Lieutenant-Governor in Council and authorizes the making of regulations for the granting of licenses to applicants, with penalties for carrying on business without a license.

Provision is made for the making of regulations by the Department of Health relating to the sanitary and other precautions to be taken in barber shops, the regulations to be enforced by the local medical officer of health. The Bill also prohibits the carrying on of the occupation of barber by persons suffering from certain diseases.

The Bill expressly provides that nothing therein shall apply to ladies' hairdressing establishments and beauty parlours.

Term
of office.

(2) The first members of the Board shall serve for the following periods—the first appointee, one year; the second appointee, two years; and the third appointee, three years. All subsequent members of the Board shall hold office for three years and be elected by ballot in such manner as may be provided for by the by-law of the associations at the annual meetings of the association or at a special meeting called for that purpose.

Appoint-
ment in case
of resigna-
tion or death.

(3) In the event of any resignation or death of any member of the Board, the Board may appoint a successor for the unexpired time.

Quorum.

4. Any two members of the Board shall form a quorum.

Secretary.

5. The Board may appoint some person to be secretary of the Board.

Register.

6. The secretary of the Board shall keep a register in which shall be entered the name of every person to whom a license is granted under the Act, the date at which the same is granted and also his place of residence at time of application for license.

Regulations.

7. The Lieutenant-Governor in Council may from time to time make regulations,—

- (a) for the granting of licenses to applicants under this Act, and the evidence to be furnished by candidates as to sobriety, good character and freedom from communicable disease, also their previous training and experience;
- (b) determining the duration of such licenses and the method of renewal for same;
- (c) fixing the fees to be paid by applicants for any license or renewal thereof;
- (d) prescribing the cause for which any license may be revoked, cancelled or suspended;
- (e) fixing the fees or other remuneration to be paid to the members and staff of the Board.

Applicant,
rules as to.

8. Every person engaged in the occupation of barber at the time of the passing of this Act, and who applies to the Board for a certificate of qualification on or before the 1st day of July, 1931, shall upon furnishing such evidence as to sobriety, good character, freedom from communicable disease,

and experience as the Board may require, and upon payment of the prescribed fee, be entitled to receive a certificate of qualification from the Board.

Appeal from
decision of
the Board.

9. Any person aggrieved by the decision of the Board may appeal therefrom to the Minister after such notice as the Minister may prescribe, and the decision of the Minister shall be final.

Report to
Minister.

10. The Board shall on or before the 15th day of January in every year, make to the Minister a report in writing for the year ending on the 31st day of December of the previous year showing,—

- (a) the number of licenses granted by them during the preceding year and the persons to whom granted;
- (b) the number of applications refused during the preceding year, and the cause for refusing same;
- (c) the number of licenses revoked, cancelled or suspended during the preceding year, and the cause for refusal of same;
- (d) the amount of fees received by them from applicants for licenses and renewals thereof during the preceding year;
- (e) travelling and other expenses of the Board, also the fees, salary or other remuneration received by the Board or any member thereof, and
- (f) such other matters as may be directed by the Minister, or by the Lieutenant-Governor in Council.

Audits of
receipts and
expendi-
tures.

11. The receipts and expenditures of the Board shall be audited by a chartered accountant, not a member of the Board, and the fees, salary, or other remuneration paid to the Board shall be paid out of the fees received from candidates or others, and shall in all cases be subject to approval by the Minister.

Certificates
to be exposed
to view.

12. A license held by any person under the Act shall at all times be exposed to view in the place of business carried on by such person, or in the place of business in which he is employed, and failure to keep such license so displayed shall be *prima facie* evidence of the lack of qualification under the Act.

Penalties.

13. After the expiration of three months from the date of the publication of the notice of the organization of the Board, every person who, not being the holder of a license issued by the Board, or a renewal thereof, carries on the business of an operating barber, or is employed as such, or who uses any signs, letters or any other means of advertising himself as a barber, shall incur a penalty not exceeding \$25 for each and every offence.

Penalties,—
how recover-
able.
Rev. Stat.,
c. 121.

14. The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Regulations—
of Provincial
Board of
Health.

15. The Department of Health, subject to the approval of the Lieutenant-Governor in Council, may make regulations:

- (a) prescribing the sanitary precautions to be used by barbers;
- (b) prescribing the method of sterilizing or cleaning of any articles kept or used in a barber shop or in the occupation of a barber;
- (c) prescribing the conditions in which barbers shall keep their persons and clothing whilst engaged in their occupation;
- (d) regulating or prohibiting the treatment by barbers of dead bodies or of persons who are suffering from any communicable disease;
- (e) prescribing the penalties incurred for violation of the regulations of the Department of Health, and for the suspension or cancellation of the license of any barber found guilty of such violation.

16.—(1) The regulations under this section shall be enforced by the local board of health and medical officer of health for every municipality.

(2) A copy of such regulations shall be delivered or transmitted by the Department of Health to every licensed barber, and a copy of such regulations shall be displayed in a prominent place in the shop in which the business of a barber is carried on.

Persons
prohibited.

17.—(1) No person shall carry on the occupation of a barber who has any form of tuberculosis, or venereal disease, or any contagious or infectious disease, and no license or renewal thereof shall be granted to any such person.

(2) Every person who knowingly contravenes the provisions of subsection 1 shall incur a penalty not exceeding \$50.

Right
to enter
premises.

18. Any member of the Board or any inspector of any local board of health on presentation of written authority may enter any barber shop, and make such inspection as may be necessary to determine whether the provisions of this Act are being complied with.

Penalty for
interfering.

19. Any person who interferes with or obstructs a member of the Board, or other officer or inspector in the exercise of the powers conferred on him by this Act shall be guilty of an offence and shall incur a penalty not exceeding \$200.

Suspension
or revocation
of license.

20. The Minister may suspend or revoke a license issued under this Act.

Exceptions
to Act.

21. Nothing in this Act shall apply to ladies' hairdressing establishments and beauty parlours.

Date of
commence-
ment.

22. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to regulate Barber Shops in the
Province of Ontario.

1st Reading

March 23rd, 1931

2nd Reading

3rd Reading

MR. MCBRIEN

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Agricultural Representatives Act.

MR. KENNEDY (Peel)

No. 145

1931

BILL

An Act to amend The Agricultural Representatives Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Agricultural Representatives Act, 1931*.

Rev. Stat.
c. 73, s. 4,
repealed.

2. Section 4 of *The Agricultural Representatives Act* is repealed and the following substituted therefor:

County
grants.

4.—(1) The county council shall in each year on or before a date to be fixed by the Minister of Agriculture pay into a bank to the credit of the agricultural representative in charge of each office in the county the sum of \$500 for the purpose of assisting in carrying on the work of the agricultural representative, and such sum shall be paid out from time to time by the agricultural representative with the approval of the Minister of Agriculture or of the officer designated as provided in section 3.

Annual
statement.

(2) An annual statement of the disposition of the sum so set apart together with a statement of the work carried on by each agricultural representative in the county during the preceding year shall be furnished to the county council.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

Under the present law where there is more than one agricultural representative appointed in each county or union of counties only one of them is entitled to have deposited to his credit the said sum of \$500. In some places two or more counties are grouped together for agricultural purposes in which there are established one or more agricultural offices in charge of a chief agricultural representative having one or more assistants. By the proposed amendment each chief representative will have \$500 deposited to his credit to be used in the furtherance of agricultural development.

BILL

An Act to amend The Agricultural
Representatives Act.

1st Reading

March 23rd, 1931

2nd Reading

3rd Reading

MR. KENNEDY (Peel)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

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Annual
statement.

(2) An annual statement of the disposition of the sum so set apart together with a statement of the work carried on by each agricultural representative in the county during the preceding year shall be furnished to the county council.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Agricultural
Representatives Act.

1st Reading

March 23rd, 1931

2nd Reading

March 25th, 1931

3rd Reading

March 31st, 1931

MR. KENNEDY (Peel)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Agricultural Associations Act.

MR. KENNEDY (Peel)

No. 146

1931

BILL

An Act to amend The Agricultural Associations Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Agricultural Associations Act, 1931*.

Rev. Stat.
c. 70, s. 2,
amended.

2. Section 2 of *The Agricultural Associations Act* is amended by striking out the words "Ontario Seed Growers' Association" in the twenty-second line and inserting in lieu thereof the words "Ontario Field Crop and Seed Growers' Association."

Rev. Stat.
c. 70, s. 17,
amended.

3. Section 17 of *The Agricultural Associations Act* is amended by adding thereto the following subsection:

Grants
from
municipal
councils.

(2) The municipal council of any city, town, village, county or township in Ontario may grant or loan money or grant land in aid of any agricultural association formed within the limits of the municipality, or partly within the limits of such municipality and partly within the limits of other municipalities, or wholly within the limits of an adjoining municipality, when such association has made returns to the Minister as required by this Act, provided always that the total amount or value of the money or land heretofore or hereafter granted or loaned by any municipality to an agricultural association under this section shall not exceed \$5,000 in the case of a city, \$2,000 in the case of a town and \$1,000 in the case of a village.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

Section 2. Change in name of association.

Section 3. At the present time the municipal council has power to make grants to agricultural societies but not to agricultural associations. The proposed amendment gives power to make grants to associations also.

BILL

An Act to amend The Agricultural
Associations Act.

1st Reading

March 23rd, 1931

2nd Reading

3rd Reading

MR. KENNEDY (Peel)

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Agricultural Associations Act.

MR. KENNEDY (Peel)

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 146

1931

BILL

An Act to amend The Agricultural Associations Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

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Rev. Stat.
c. 70, s. 2,
amended.

2. Section 2 of *The Agricultural Associations Act* is amended by striking out the words "Ontario Seed Growers' Association" in the twenty-second line and inserting in lieu thereof the words "Ontario Field Crop and Seed Growers' Association."

Rev. Stat.
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Grants
from
municipal
councils.

- (2) The municipal council of any city, town, village, county or township in Ontario may grant or loan money or grant land in aid of any agricultural association formed within the limits of the municipality, or partly within the limits of such municipality and partly within the limits of other municipalities, or wholly within the limits of an adjoining municipality, when such association has made returns to the Minister as required by this Act, provided always that the total amount or value of the money or land heretofore or hereafter granted or loaned by any municipality to an agricultural association under this section shall not exceed \$5,000 in the case of a city, \$2,000 in the case of a town and \$1,000 in the case of a village.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Agricultural
Associations Act.

1st Reading

March 23rd, 1931

2nd Reading

March 25th, 1931

3rd Reading

March 31st, 1931

MR. KENNEDY (Peel)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Landlord and Tenant Act.

MR. MARTIN (Hamilton)

No. 147

1931

BILL

An Act to amend The Landlord and Tenant Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Landlord and Tenant Act, 1931*.

Rev. Stat.
c. 190,
amended.

2. *The Landlord and Tenant Act* is amended by adding thereto the following section:

Rent to
cease when
premises
destroyed
or rendered
useless.

15a. Except as otherwise provided in any lease or other instrument in writing signed by the tenant, where the premises leased are destroyed or rendered uninhabitable or useless by fire, explosion or other accident, the lease shall thereupon cease and determine and the landlord shall have no claim for rent accrued or accruing due beyond the date upon which such accident took place, and the rent shall be apportionable to that date.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

Judgment recently delivered by one of the county judges was to the effect that where premises were destroyed by fire after the date upon which the rent was payable the landlord could claim not only rent for the month in which the accident occurred but a further month's rent in lieu of notice. The amendment is intended to make the rent stop when the accident occurs and to make it apportionable to that date.

BILL

An Act to amend The Landlord and
Tenant Act.

1st Reading

March 23rd, 1931

2nd Reading

3rd Reading

MR. MARTIN (Hamilton)

No. 148

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Companies Act.

MR. MACAULAY

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Companies Act, 1931*.

Rev. Stat.,
c. 218, s. 2,
subs. 1,
amended.

2. Subsection 1 of section 2 of *The Companies Act* is amended by striking out the word "five" in the second line and inserting in lieu thereof the word "three."

Rev. Stat.,
c. 218, s. 5,
repealed.

3. Section 5 of *The Companies Act* as amended by section 2 of *The Companies Act, 1930*, is repealed and the following substituted therefor:

Issue of
shares
without
nominal or
par value.

5.—(1) The letters patent or any supplementary letters patent of any company may provide for the issue of any or all of the shares of the capital stock of such company without any nominal or par value.

Equality
of no par
value shares.

(2) Each share of the capital stock without nominal or par value shall be equal to every other such share of the capital stock subject to the preferences, restrictions or other conditions attached to any class of shares.

Particulars
on
certificate.

(3) Every certificate of shares without nominal or par value shall have plainly written or printed upon its face the number of such shares which it represents and the number of such shares which the company is authorized to issue, and no such certificate shall express any nominal or par value of such shares.

Price to be
fixed by
directors.

(4) In the absence of other provisions in that behalf in the letters patent, supplementary letters patent or by-laws of the company, the issue and allotment of shares without nominal or par value authorized by this section may be made from time to time for

EXPLANATORY NOTES

Section 2. Heretofore the minimum number of petitioners was five and the minimum number of shareholders five. The minimum is now cut down to three in each case. This is in accordance with the modern law elsewhere.

Section 3. This section changes the law regarding shares of no par value and makes *The Companies Act* more modern. These subsections have been used in other places and are considered the most suitable regarding shares of this type.

such consideration as may be fixed by the board of directors of the company; and in fixing the amount of such consideration, except in respect of shares without nominal or par value having a preference as to principal, the board may provide that a part thereof may be set aside as a distributable surplus.

Holder not
liable to
creditors,
etc.

- (5) Any and all shares issued as permitted by this section shall be deemed fully paid and non-assessable on receipt by the company of the consideration for the issue and allotment thereof, and the holder of such shares shall not be liable to the company or to its creditors in respect thereof.

Minimum
capital.

- (6) The amount of capital with which the company shall carry on business shall be not less than the aggregate amount of the par value of outstanding fully paid par value shares, if any, or of any less amount paid up on par value shares, together with the amount of the consideration received upon the issue and allotment of the shares without nominal or par value from time to time outstanding exclusive of such part of such consideration as may be set aside as distributable surplus in accordance with the provisions of subsection 4 hereof.

- (7) Nothing in subsection 6 contained shall be deemed to affect the capital of companies incorporated under the provisions of Part I of this Act in respect of shares without nominal or par value issued before the coming into force of subsection 6 where the letters patent of such companies with supplementary letters patent, if any, granted to such companies before or after the coming into force of subsection 6 provide that the capital shall be at least equal to the sum of the aggregate par value of all issued shares having par value plus a sum in dollars in respect to every issued share without par value, plus such amounts as from time to time by by-law of the company may be transferred thereto.

Shares
heretofore
issued.

- (8) In the case of any shares without nominal or par value which were issued before the date of the coming into force of this Act, or of any such shares which may be issued thereafter without there having been made, on or before the issue and allotment thereof in accordance with the provisions of this Act, a declaration that any specified proportion of the consideration to be received therefor shall be capital, the directors may at any time pass a by-law for either or both of the following purposes, namely:

(a) declaring that a specified portion of the consideration received for any such shares, whether issued before or after the coming into effect of this Act, shall be capital; or (b) approving the consideration received for and confirming the issue of any such shares which were issued for a consideration not fixed in accordance with the provisions of this Act, and upon such by-law being sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the company duly called for considering the same the Provincial Secretary, upon being satisfied of the expediency and *bona fide* character thereof, may grant supplementary letters patent confirming the said by-law.

Rev. Stat.,
c. 218, s. 16,
subs. 1,
amended.

4. Subsection 1 of section 16 of *The Companies Act* is amended by adding thereto the following clause:

Consolidating or subdividing shares.

(j) consolidating or subdividing any shares, either with or without par value.

Rev. Stat.,
c. 218, s. 23,
subs. 1, cl. e,
amended.

5.—(1) The clause lettered *e* in subsection 1 of section 23 of *The Companies Act* is amended by striking out the words "subject to section 96" at the commencement thereof.

Acquiring shares in other companies.
Rev. Stat.,
c. 218, s. 23,
subs. 1, cl. m,
amended.
Disposing of property.

(2) The clause lettered *m* in subsection 1 of the said section 23 as amended by section 4 of *The Companies Act, 1930*, is further amended by adding after the word "thereof" in the second line the words "as an entirety or substantially as an entirety."

Rev. Stat.,
c. 218, s. 23,
subs. 1,
amended.

(3) Subsection 1 of section 23 of *The Companies Act* is further amended by adding thereto the following clauses:

Power to procure registration and representation.

(r) to procure the company to be registered and recognized in any foreign country or province of the Dominion of Canada, and to designate persons therein according to the laws of such foreign country or province of the Dominion of Canada to represent the company and to accept service for and on behalf of the company of any process or suit;

Payment of real or personal property by allotment of shares.

(s) to issue and allot fully paid shares of the capital stock of the company in payment or part payment of any real or personal property purchased or otherwise acquired by the company;

Distribution among shareholders.

(t) to distribute among the shareholders of the company in kind, specie or otherwise as may be resolved, by way of dividend, bonus or in any other manner

Section 4. There has been some doubt in the past regarding the power of the Minister to issue Supplementary Letters Patent consolidating or subdividing any shares either with or without par value. The Minister has been doing this, but this section removes any doubt as to his power in doing so.

Section 5.—(1) This subsection does away with the old law which stated that a company could not purchase shares in other companies unless authorized so to do by a by-law confirmed by the shareholders. This law is antiquated, and has been repealed in most places. The repeal of this will allow for directors to arrange for the purchase of shares in other companies, and will do away with the necessity of going to the shareholders.

(2) As the law now stands a company may not sell any portion whatever of its undertaking without the consent of the shareholders. The amendment will permit a company to sell portions of its undertaking without such consent, provided the portion sold is not an entirety or substantially an entirety of the company's business.

(3) The following clauses, (*r*), (*s*), (*l*) and (*u*), are simply adding powers to the ancillary powers contained in section 23. These powers, in the past, have had to be asked for by petitioners and have been granted always on request. By their insertion in section 23 it follows that all companies, in future, would have these powers as soon as incorporated without specially asking for them.

deemed advisable, any property or assets of the company or any proceeds of the sale or disposal of any property of the company and in particular any shares, bonds, debentures, debenture stock or other securities of or in any other company belonging to the company, or of which it may have power to dispose; provided, however, that no such distribution shall effect a reduction of the capital of the company, except made in accordance with the provisions of *The Companies Act*;

Payment of costs and expenses.

- (u) to pay out of its funds all costs and expenses of or incidental to the incorporation and organization of the company.

Rev. Stat.,
c. 218, s. 31,
subs. 1,
amended.

6.—(1) Subsection 1 of section 31 of *The Companies Act* is amended by striking out the word "five" in the third line and inserting in lieu thereof the word "three."

Rev., Stat.,
c. 218, s. 31,
subs. 3,
amended.

(2) Subsection 3 of section 31 of *The Companies Act* is amended by striking out the word "five" in the third line and inserting in lieu thereof the word "three."

Rev. Stat.,
c. 218, s. 40,
subs. 1,
amended.

7. Subsection 1 of section 40 of *The Companies Act* is amended by striking out the words "this Act" in the third line and inserting in lieu thereof the words "*The Companies Information Act*."

Rev. Stat.,
c. 218, s. 64a,
(1928,
c. 32, s. 7),
amended.

8.—(1) Subsection 2 of section 64a of *The Companies Act* as enacted by section 7 of *The Companies Act, 1928*, is further amended by striking out the word "shall" in the twelfth line and inserting in lieu thereof the word "may."

Rev. Stat.,
c. 218, s. 64a,
(1928,
c. 32, s. 7),
amended.

(2) The said section 64a is further amended by adding thereto the following subsections:

Notice of compromise or arrangement when there are dissentient votes.

- (3) Where at a meeting called as hereinbefore provided dissentient votes are cast by shareholders of one or more classes affected, and where, notwithstanding such dissentient votes, the compromise or arrangement is agreed to by the holders of three-fourths of each class represented, it shall be necessary that the company notify each shareholder in such manner as may be prescribed by the said judge of the time and place when application will be made to the judge for the sanction of the compromise or arrangement.

"Arrangement"—
meaning of.

- (4) The expression "arrangement" in the preceding subsections shall be construed as extending to a reorganization of the share capital of the company

Section 6. This follows the amendment contained in section 2.

Section 7. This is put in to remedy a mistake in the Act, as *The Companies Act* does not require annual statements, but they are required under *The Companies Information Act*.

Section 8.—(1) The substitution of the word “may” for “shall” will mean that the Provincial Secretary need not issue Supplementary Letters Patent unless he thinks fit.

(2) This amendment will take care of a compromise or arrangement where there are dissentient votes. The meaning of the word “arrangement” is defined.

by the consolidation of shares of different classes or by the division of shares into shares of different classes or by both of these methods.

Rev. Stat.,
c. 218, s. 75,
subs. 2,
amended.

9. Subsection 2 of section 75 of *The Companies Act* is amended by striking out the words "subject to the by-laws" at the commencement thereof.

Rev. Stat.,
c. 218, s. 82,
subss. 3, 4,
(1928, c. 32,
s. 9; 1930,
c. 37, s. 9)
repealed.

10. Subsections 3 and 4 of section 82 of *The Companies Act* are repealed and the following substituted therefor:

Copy of
by-law
creating
redeemable
or convertible
shares
to be filed.

- (3) The next preceding subsection shall not apply to any by-law which creates or attempts to create redeemable or convertible preference shares, but a copy of such by-law certified under the seal of the company must be filed forthwith in the office of the Provincial Secretary.

Rev. Stat.,
c. 218, s. 89,
amended.

11. Section 89 of *The Companies Act* is amended by adding thereto the following subsection:

Director
not to be
a bankrupt.

- (4) No person who is an undischarged bankrupt shall hold office as a director and where any director becomes a bankrupt he shall thereupon cease to be a director.

Rev. Stat.,
c. 218, s. 95,
subs. 2,
amended.

12. Subsection 2 of section 95 of *The Companies Act* is amended by adding after the word "company" in the ninth line the words "or any of its shareholders or creditors."

Rev. Stat.,
c. 218, s. 96,
repealed.

13. Section 96 of *The Companies Act* is repealed.

Rev. Stat.,
c. 218,
amended.

14. *The Companies Act* is amended by adding thereto the following section:

Purchase of
shares for
benefit of
employees.

- 152b.—(1) A company may provide in accordance with any scheme for the time being in force money for the purchase by trustees of fully paid shares in the company to be held by or for the benefit of employees of the company, including any director holding a salaried employment or office in the company;

Loans to
employees to
purchase
shares.

- (2) A company may make loans to persons *bona fide* in the employment of the company with a view to enabling those persons to purchase fully paid shares in the company to be held by themselves by way of beneficial ownership.

Commence-
ment of Act.

15. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 9. The deletion of the words "Subject to the by-laws" will prevent the company from making any attempt by by-law to alter the rights of joint holders of stock.

Section 10. This simply clarifies the law regarding the filing of a by-law creating redeemable or convertible preference shares, and it states that such a by-law only must be filed in the office of the Provincial Secretary.

Section 11. This provides that, in future, no person who is an undischarged bankrupt may be a director, and is new.

Section 12. This amendment deals with the question of directors voting on contracts, and clarifies the law regarding this matter.

Section 13. See section 5.

Section 14. This section gives power to a company to arrange for the purchase of shares for the benefit of employees and also gives power to make loans to employees to purchase shares. There is no power at present in *The Ontario Companies Act* but elsewhere similar legislation has been adopted.

BILL

An Act to amend The Companies Act.

1st Reading

March 23rd, 1931

2nd Reading

3rd Reading

MR. MACAULAY

No. 148

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Companies Act.

MR. MACAULAY

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Companies Act, 1931*.

Rev. Stat.,
c. 218, s. 2,
subs. 1,
amended.

2. Subsection 1 of section 2 of *The Companies Act* is amended by striking out the word "five" in the second line and inserting in lieu thereof the word "three."

Rev. Stat.,
c. 218, s. 5,
repealed.

3. Section 5 of *The Companies Act* as amended by section 2 of *The Companies Act, 1930*, is repealed and the following substituted therefor:

Issue of
shares
without
nominal or
par value.

5.—(1) The letters patent or any supplementary letters patent of any company may provide for the issue of any or all of the shares of the capital stock of such company without any nominal or par value.

Equality
of no par
value shares.

(2) Each share of the capital stock without nominal or par value shall be equal to every other such share of the capital stock subject to the preferences, restrictions or other conditions attached to any class of shares.

Particulars
on
certificate.

(3) Every certificate of shares without nominal or par value shall have plainly written or printed upon its face the number of such shares which it represents and the number of such shares which the company is authorized to issue, and no such certificate shall express any nominal or par value of such shares.

Price to be
fixed by
directors.

(4) In the absence of other provisions in that behalf in the letters patent, supplementary letters patent or by-laws of the company, the issue and allotment of shares without nominal or par value authorized by this section may be made from time to time for

such consideration as may be fixed by the board of directors of the company; and in fixing the amount of such consideration, except in respect of shares without nominal or par value having a preference as to principal, the board may provide that a part thereof may be set aside as a distributable surplus.

- (5) Any and all shares issued as permitted by this section shall be deemed fully paid and non-assessable on receipt by the company of the consideration for the issue and allotment thereof, and the holder of such shares shall not be liable to the company or to its creditors in respect thereof. ^{Holder not liable to creditors, etc.}
- (6) The amount of capital with which the company shall carry on business shall be not less than the aggregate amount of the par value of outstanding fully paid par value shares, if any, or of any less amount paid up on par value shares, together with the amount of the consideration received upon the issue and allotment of the shares without nominal or par value from time to time outstanding exclusive of such part of such consideration as may be set aside as distributable surplus in accordance with the provisions of subsections 4 and 8 hereof. ^{Minimum capital.}
- (7) Nothing in subsection 6 contained shall be deemed to affect the capital of companies incorporated under the provisions of Part I of this Act in respect of shares without nominal or par value issued before the coming into force of subsection 6 where the letters patent of such companies with supplementary letters patent, if any, granted to such companies before or after the coming into force of subsection 6 provide that the capital shall be at least equal to the sum of the aggregate par value of all issued shares having par value plus a sum in dollars in respect to every issued share without par value, plus such amounts as from time to time by by-law of the company may be transferred thereto.
- (8) In the case of any shares without nominal or par value which were issued before the date of the coming into force of this Act, or of any such shares which may be issued thereafter without there having been made, on or before the issue and allotment thereof in accordance with the provisions of this Act, a declaration that any specified proportion of the consideration to be received therefor shall be capital, the directors may at any time pass a by-law for either or both of the following purposes, namely: ^{Shares heretofore issued.}

(a) declaring that a specified portion of the consideration received for any such shares, whether issued before or after the coming into effect of this Act, shall be capital; or (b) approving the consideration received for and confirming the issue of any such shares which were issued for a consideration not fixed in accordance with the provisions of this Act, and upon such by-law being sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders of the company duly called for considering the same the Provincial Secretary, upon being satisfied of the expediency and *bona fide* character thereof, may grant supplementary letters patent confirming the said by-law.

Rev. Stat.,
c. 218, s. 16,
subs. 1,
amended.

4. Subsection 1 of section 16 of *The Companies Act* is amended by adding thereto the following clause:

Consolidat-
ing or sub-
dividing
shares.

(j) consolidating or subdividing any shares, either with or without par value.

Rev. Stat.,
c. 218, s. 23,
subs. 1, cl. e,
amended.

5.—(1) The clause lettered *e* in subsection 1 of section 23 of *The Companies Act* is amended by striking out the words "subject to section 96" at the commencement thereof.

Acquiring
shares in
other
companies.
Rev. Stat.,
c. 218, s. 23,
subs. 1, cl. m,
amended.
Disposing of
property.

(2) The clause lettered *m* in subsection 1 of the said section 23 as amended by section 4 of *The Companies Act, 1930*, is further amended by adding after the word "thereof" in the second line the words "as an entirety or substantially as an entirety."

Rev. Stat.,
c. 218, s. 23,
subs. 1,
amended.

(3) Subsection 1 of section 23 of *The Companies Act* is further amended by adding thereto the following clauses:

Power to
procure
registration
and repre-
sentation.

(r) to procure the company to be registered and recognized in any foreign country or province of the Dominion of Canada, and to designate persons therein according to the laws of such foreign country or province of the Dominion of Canada to represent the company and to accept service for and on behalf of the company of any process or suit;

Payment of
real or
personal
property by
allotment of
shares.

(s) to issue and allot fully paid shares of the capital stock of the company in payment or part payment of any real or personal property purchased or otherwise acquired by the company;

Distribution
among
shareholders.

(t) to distribute among the shareholders of the company in kind, specie or otherwise as may be resolved, by way of dividend, bonus or in any other manner

deemed advisable, any property or assets of the company or any proceeds of the sale or disposal of any property of the company and in particular any shares, bonds, debentures, debenture stock or other securities of or in any other company belonging to the company, or of which it may have power to dispose; provided, however, that no such distribution shall effect a reduction of the capital of the company, except made in accordance with the provisions of *The Companies Act*;

- (u) to pay out of its funds all costs and expenses of or incidental to the incorporation and organization of the company. Payment of costs and expenses.

6.—(1) Subsection 1 of section 31 of *The Companies Act* is amended by striking out the word "five" in the third line and inserting in lieu thereof the word "three." Rev. Stat., c. 218, s. 31, subs. 1, amended.

(2) Subsection 3 of section 31 of *The Companies Act* is amended by striking out the word "five" in the third line and inserting in lieu thereof the word "three." Rev., Stat., c. 218, s. 31, subs. 3, amended.

7. Subsection 1 of section 40 of *The Companies Act* is amended by striking out the words "this Act" in the third line and inserting in lieu thereof the words "*The Companies Information Act*." Rev. Stat., c. 218, s. 40, subs. 1, amended.

8.—(1) Subsection 2 of section 64a of *The Companies Act* as enacted by section 7 of *The Companies Act, 1928*, is amended by striking out the word "shall" in the twelfth line and inserting in lieu thereof the word "may," so that the subsection will now read as follows:

- (2) If the shareholders or class of shareholders, as the case may be, present in person or by proxy at the meeting, by three-fourths of the shares of each class represented agree to the compromise or arrangement either as proposed or as altered or modified at such meeting, called for the purpose, such compromise or arrangement may be sanctioned by a judge as aforesaid, and if so sanctioned such compromise or arrangement and any reduction or increase of share capital and any provision for the allotment or disposition thereof by sale or otherwise as therein set forth, may be confirmed by supplementary letters patent, which shall be binding on the company, and the shareholders or class of shareholders, as the case may be. Judge may sanction compromise if approved by three-fourths of shareholders. Confirmation by supplementary letters patent.

(2) The said section 64a is further amended by adding thereto the following subsections: Rev. Stat., c. 218, s. 64a, (1928, c. 32, s. 7), amended.

Notice of compromise or arrangement when there are dissentient votes.

- (3) Where at a meeting called as hereinbefore provided dissentient votes are cast by shareholders of one or more classes affected, and where, notwithstanding such dissentient votes, the compromise or arrangement is agreed to by the holders of three-fourths of each class represented, it shall be necessary that the company notify each shareholder in such manner as may be prescribed by the said judge of the time and place when application will be made to the judge for the sanction of the compromise or arrangement.

"Arrangement"—meaning of.

- (4) The expression "arrangement" in the preceding subsections shall be construed as extending to a reorganization of the share capital of the company by the consolidation of shares of different classes or by the division of shares into shares of different classes or by both of these methods.

Rev. Stat., c. 218, s. 75, subs. 2, amended.

9. Subsection 2 of section 75 of *The Companies Act* is amended by striking out the words "subject to the by-laws" at the commencement thereof.

Rev. Stat., c. 218, s. 82, subss. 3, 4, (1928, c. 32, s. 9; 1930, c. 37, s. 9) repealed.

10. Subsection 3 as enacted by section 9 of *The Companies Act, 1928*, and subsection 4 as enacted by section 9 of *The Companies Act, 1930*, of section 82 of *The Companies Act* are repealed and the following substituted therefor:

Copy of by-law creating redeemable or convertible shares to be filed.

- (3) The next preceding subsection shall not apply to any by-law which creates or attempts to create redeemable or convertible preference shares, but a copy of such by-law certified under the seal of the company must be filed forthwith in the office of the Provincial Secretary.

Rev. Stat., c. 218, s. 89, amended.

11. Section 89 of *The Companies Act* is amended by adding thereto the following subsection:

Director not to be a bankrupt.

- (4) No person who is an undischarged bankrupt shall hold office as a director and where any director becomes a bankrupt he shall thereupon cease to be a director.

Rev. Stat., c. 218, s. 95, subs. 2, amended.

12. Subsection 2 of section 95 of *The Companies Act* is amended by adding after the word "company" in the ninth line the words "or any of its shareholders or creditors."

Rev. Stat., c. 218, s. 96, repealed.

13. Section 96 of *The Companies Act* is repealed.

Rev. Stat., c. 218, amended.

14. *The Companies Act* is amended by adding thereto the following section:

152*b*.—(1) A company may provide in accordance with any scheme for the time being in force money for the purchase by trustees of fully paid shares in the company to be held by or for the benefit of employees of the company, including any director holding a salaried employment or office in the company; Purchase of shares for benefit of employees.

(2) A company may make loans to persons *bona fide* in the employment of the company with a view to enabling those persons to purchase fully paid shares in the company to be held by themselves by way of beneficial ownership. Loans to employees to purchase shares.

15. Clause *d* of section 318*a* as enacted by section 11 of *The Companies Act, 1930*, is repealed and the following substituted therefor:

(*d*) That the balance sheet does not show as assets unpaid balances owing by agents or other insurers whose accounts have not been verified within the next preceding ninety days. Rev. Stat., c. 218, s. 318*a*, cl. *d* (1930, c. 37, s. 11), repealed.

16. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

An Act to amend The Companies Act.

1st Reading

March 23rd, 1931

2nd Reading

March 25th, 1931

3rd Reading

March 31st, 1931

MR. MACAULAY

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Companies Information Act.

MR. MACAULAY

No. 149

1931

BILL

An Act to amend The Companies Information Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Companies Information Act, 1931*.

1928, c. 33,
s. 5,
amended.

2. Section 5 of *The Companies Information Act, 1928*, is amended by adding thereto the following subsection:

Appoint-
ment of
Accountant
on
application.

(2) (a) The Provincial Secretary may upon the application of any ten shareholders each of whom has been a shareholder for not less than six months immediately preceding the date of the application or upon the application of more than one-third of the total number of shareholders appoint an accountant to audit the books of the company and to report thereon;

Expenses,
who shall
bear.

(b) The expenses incidental to such audit shall be defrayed by the shareholders applying for the same or the officers of the company or the company itself, as the Provincial Secretary shall direct.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

Clause (a) of the proposed subsection gives the Provincial Secretary power to appoint an accountant to audit the books of a company on the application of ten shareholders who have been shareholders for not less than six months immediately preceding the date of the application or upon the application of more than one-third of the total number of shareholders.

Clause (b) gives the Provincial Secretary power to direct as to whether the expenses are to be borne by the shareholders applying for the audit or the officers of the company or the company itself.

BILL

An Act to amend The Companies
Information Act.

1st Reading

March 23rd, 1931

2nd Reading

3rd Reading

MR. MACAULAY

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Companies Information Act.

MR. MACAULAY

No. 149

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s. 5,
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Expenses,
who shall
bear.

(b) The expenses incidental to such audit shall be defrayed by the shareholders applying for the same or the officers of the company or the company itself, as the Provincial Secretary shall direct.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Companies
Information Act.

1st Reading

March 23rd, 1931

2nd Reading

March 25th, 1931

3rd Reading

March 31st, 1931

MR. MACAULAY

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act for the Better Protection of Owners and Operators
of Storage Battery Service Stations.

MR. MACAULAY

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 150

1931

BILL

An Act for the Better Protection of Owners and Operators of Storage Battery Service Stations.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Battery Service Stations Protection Act, 1931*.

Interpretation.

2. In this Act,—

"Battery service station."

(a) "Battery service station" shall mean any building or part of a building within or in connection with which any service is rendered in the ordinary course of business upon a storage battery by recharging, repairing or supplying parts therefor;

"Proprietor."

(b) "Proprietor" shall mean any proprietor or owner of a battery service station;

"Storage battery."

(c) "Storage battery" shall include any electrical storage battery, generator, electrical motor distributor and the necessary wires, wiring or parts thereof.

Rental storage battery to be marked.

3. Every proprietor who supplies a storage battery to any person under an agreement for hire thereof shall print, paint, stamp or emboss thereon the word "rental" or securely attach thereto a tag or disk with the word "rental" printed, painted, stamped or embossed thereon, together with such other name or mark sufficient to identify such storage battery as being the property of such proprietor.

Identification not to be removed.

4. No person shall remove, deface, alter or destroy, or cause to be removed, defaced, altered or destroyed the word "rental" or any such tag or disk or any identification name or mark printed, painted, stamped, embossed on or attached to any storage battery except a storage battery of which he is the owner.

EXPLANATORY NOTES.

This Act is for the protection of garage owners who are engaged in the business of renting storage batteries.

The return of their property cannot be enforced under the present laws of the Province of Ontario. They cannot remove their own property from an automobile without the consent of the owner without becoming liable to certain penalties and as a result large sums of money are lost by the garage owners annually through the illegal retention of their property by certain automobile owners. Additional sums of money are lost annually through the non-payment of rental charges. As the result of these conditions the operating charges of these stations are tremendously increased.

Under the present law a magistrate cannot issue a summons or a warrant and the only remedy is to sue in the division court. This is costly and the delay so great that the expense is seldom worth while. In other words, under the present law, automobile owners may deliberately keep a battery which they have rented.

By the proposed amendment the owners of automobile service stations shall have a quick, convenient and inexpensive method of regaining their rightful property.

Proprietor to have his own storage batteries only.

5. Except as herein provided no proprietor shall receive or retain in his possession any rental storage battery of which he is not the owner; provided that in cases of emergency he may receive and retain a rental storage battery if within two days from the receipt thereof he notifies the proprietor whose name or mark is printed, painted, stamped or embossed thereon, or on a tag or disk attached thereto, of the receipt of such rental storage battery.

Storage battery to be retained not longer than fourteen days.

6. No person shall retain in his possession for a longer period than fourteen days, without the written consent of the owner, any storage battery upon which the word "rental" is printed, painted, stamped or embossed, or to which is attached a tag or disk with the word "rental" printed, painted, stamped or embossed thereon.

Information may be laid when storage battery not returned.

7. Where any person retains in his possession for a longer period than fourteen days a rental storage battery of which he is not the owner, notice shall be sent to him by registered mail at his last-known address to return forthwith to the owner thereof such rental storage battery, and if within two days of the mailing of the registered letter such storage battery has not been returned the owner may lay an information under oath before a police magistrate who shall thereupon issue a summons directed to the person failing to return the storage battery calling upon him to appear at the time and place named in the summons to show cause why such storage battery has not been returned.

Court may order return of storage battery to owner and payment of rental and damages.

8. If the police magistrate finds that the owner is entitled to the return of the storage battery, he shall order such return to be made and if the storage battery has been damaged or cannot be returned he shall order the person retaining the same to pay to the owner the value of such storage battery or compensate him for the damage and in addition may order that such person shall forthwith pay to the owner whatever rental may be owing for the use of such storage battery together with the charges for recharging, making repairs to or supplying parts for such storage battery, and if the person retaining the storage battery fails to carry out the order of the magistrate the magistrate may order him to be imprisoned for a period not exceeding ten days.

Penalty.

9. Any person violating any of the provisions of sections 4, 5 or 6 shall be guilty of an offence against this Act and shall be liable upon conviction to a fine not exceeding \$20 for each such offence and in default of payment thereof shall be imprisoned for a period not exceeding ten days.

Application
of Rev. Stat.
c. 121.

10. *The Summary Convictions Act* shall apply to the laying of informations and the enforcement of orders made under sections 7, 8 and 9.

Commence-
ment of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act for the Better Protection of Owners
and Operators of Storage Battery
Service Stations.

1st Reading

March 23rd, 1931

2nd Reading

3rd Reading

MR. MACAULAY

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Municipal and School Accounts Audit Act.

MR. MACAULAY

No. 151

1931

BILL

An Act to amend The Municipal and School Accounts Audit Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Municipal and School Accounts Audit Act, 1931*.

Rev. Stat.,
c. 243, s. 10,
amended. **2.** Section 10 of *The Municipal and School Accounts Audit Act* is amended by adding thereto the following subsection:

Audit to
extend to
accounts
of local
utility
commission.

(1a) An audit of the books, accounts, vouchers and money of any municipal corporation made under this Act shall, if the auditor deems it desirable or necessary, include or be confined to an audit of the books, accounts, vouchers and money of any commission managing a public utility work or undertaking of a municipal corporation other than a public utility work or undertaking for the supply of electrical power or energy obtained directly or indirectly from The Hydro-Electric Power Commission of Ontario.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

It is doubtful whether under the present Act the Provincial Municipal Auditor may make or direct to be made an audit of the accounts of a local utility commission, which it may be very desirable to have audited. The amendment is to extend the scope of an audit under the Act to the accounts, etc., of a commission except in the case of a local Hydro Commission the accounts of which are now subjected to an independent audit made by the Provincial Hydro Commission.

BILL

An Act to amend The Municipal and School
Accounts Audit Act.

1st Reading

March 23rd, 1931

2nd Reading

3rd Reading

MR. MACAULAY

No. 151

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Municipal and School Accounts Audit Act.

MR. MACAULAY

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 151

1931

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Short title.

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Rev. Stat.,
c. 243, s. 10,
amended.

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(1a) An audit of the books, accounts, vouchers and money of any municipal corporation made under this Act shall, if the auditor deems it desirable or necessary, include or be confined to an audit of the books, accounts, vouchers and money of any commission managing a public utility work or undertaking of a municipal corporation other than a public utility work or undertaking for the supply of electrical power or energy obtained directly or indirectly from The Hydro-Electric Power Commission of Ontario.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Municipal and School
Accounts Audit Act.

1st Reading

March 23rd, 1931

2nd Reading

March 25th, 1931

3rd Reading

March 27th, 1931

MR. MACAULAY

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Ditches and Watercourses Act.

MR. MACAULAY

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 152

1931

BILL

An Act to amend The Ditches and Watercourses Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Ditches and Watercourses Amendment Act, 1931*.

Rev. Stat.,
c. 316, s. 15,
amended.

2.—(1) Section 15 of *The Ditches and Watercourses Act* is amended by adding the following subsection:

Engineer to
establish
bench marks
and refer
thereto in
his award.

(7a) The engineer in making his survey shall establish sufficient bench marks or permanent levels by which a ditch may be governed, and shall also in his award, sufficiently record the descriptions, locations and elevations of every bench mark or permanent level by which a ditch is to be governed, and whether such bench marks or permanent levels were established by him or by some other engineer.

Rev. Stat.,
c. 316, s. 15,
subs. 8,
repealed.

(2) Subsection 8 of the said section 15 is repealed and the following substituted therefor:

Penalty for
interference
with work or
bench marks
of engineer.

(8) Any person who interferes with or obstructs the engineer or his assistants in the exercise of the powers conferred by subsection 7 or interferes with, removes or destroys any bench mark or permanent level mark established under subsection (7a) shall incur a penalty not exceeding \$100 recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 121.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

Difficulty is often experienced in locating old bench marks and levels governing ditches constructed under this Act and it is found that in many cases none were established. It is desirable to overcome this condition which at times leads to incurring of unnecessary delay and expense.

BILL

An Act to amend The Ditches and Water-
courses Act.

1st Reading

March 23rd, 1931

2nd Reading

3rd Reading

MR. MACAULAY

No. 152

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Ditches and Watercourses Act.

MR. MACAULAY

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 152

1931

BILL

An Act to amend The Ditches and Watercourses Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Ditches and Watercourses Amendment Act, 1931*.

Rev. Stat.,
c. 316, s. 15,
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2.—(1) Section 15 of *The Ditches and Watercourses Act* is amended by adding the following subsection:

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his award.

(7a) The engineer in making his survey shall establish sufficient bench marks or permanent levels by which a ditch may be governed, and shall also in his award, sufficiently record the descriptions, locations and elevations of every bench mark or permanent level by which a ditch is to be governed, and whether such bench marks or permanent levels were established by him or by some other engineer.

Rev. Stat.,
c. 316, s. 15,
subs. 8,
repealed.

(2) Subsection 8 of the said section 15 is repealed and the following substituted therefor:

Penalty for
interference
with work or
bench marks
of engineer.

(8) Any person who interferes with or obstructs the engineer or his assistants in the exercise of the powers conferred by subsection 7 or interferes with, removes or destroys any bench mark or permanent level mark established under subsection 7a shall incur a penalty not exceeding \$100 recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 121.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Ditches and Water-
courses Act.

1st Reading

March 23rd, 1931

2nd Reading

March 25th, 1931

3rd Reading

March 27th, 1931

MR. MACAULAY

No. 153

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Municipal Drainage Act.

MR. MACAULAY

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 153

1931

BILL

An Act to amend The Municipal Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Municipal Drainage Amendment Act, 1931*.

Rev. Stat.,
c. 241, s. 8,
amended.

2. Section 8 of *The Municipal Drainage Act* is amended by adding thereto the following subsection:

Engineer
to report on
bench
marks.

(11a) The engineer or surveyor shall also in his report, plans, specifications and profiles sufficiently record the descriptions, locations and elevations of every bench mark or permanent level by which a drainage work is to be governed.

Rev. Stat.,
c. 241, s. 9,
subs. 2,
repealed.

3.—(1) Subsection 2 of section 9 of *The Municipal Drainage Act* is repealed and the following substituted therefor:

Engineer to
establish
bench
marks.

(2) The engineer or surveyor in making his survey shall establish sufficient bench marks or permanent levels by which a drainage work may be governed.

Rev. Stat.,
c. 241, s. 9,
amended.

(2) The said section 9 is further amended by adding thereto the following subsection:

Penalty for
interference
with work or
bench marks
of engineer.

(3) Any person who interferes with or obstructs the engineer or his assistants in the exercise of the powers conferred by subsection 1 or interferes with, removes or destroys any bench mark or permanent level mark established under subsection 2 shall incur a penalty not exceeding \$100 recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 121.

Rev. Stat.,
c. 241,
amended.

4. *The Municipal Drainage Act* is amended by adding thereto the following section:

EXPLANATORY NOTES

Sections 2 and 3. Difficulty is often experienced in locating old bench marks and levels governing drainage works constructed under this Act and it is found in many cases that none were established. It is desirable to overcome this condition which at times leads to incurring of unnecessary delay and expense.

Section 4. To simplify and reduce the expense of issue of debentures where several drainage works have been constructed at about the same time, it will be of advantage to consolidate all the debentures in one issue.

Debentures
for separate
drainage
works may
be con-
solidated.

25a.—(1) Where two or more works have been undertaken and the by-laws provided for by section 21 or section 87 have been passed, instead of borrowing the separate sums thereby authorized to be borrowed and issuing debentures therefor, the council by a consolidating by-law, may provide for borrowing the aggregate of such separate sums and for issuing one series of debentures therefor.

(2) A consolidating by-law shall show by recitals or otherwise in respect to which separate by-laws it is passed.

(3) It shall not be necessary that a consolidating by-law shall impose any rate to provide for the payment of the debentures issued under it or the interest thereon, but the rates imposed by the separate by-laws shall be levied, collected and applied for that purpose.

(4) The provisions of sections 22 to 25 shall not apply to a consolidating by-law passed under this section.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Municipal
Drainage Act.

1st Reading

March 23rd, 1931

2nd Reading

3rd Reading

MR. MACAULAY

No. 153

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Municipal Drainage Act.

MR. MACAULAY

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 153

1931

BILL

An Act to amend The Municipal Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Municipal Drainage Amendment Act, 1931*.

Rev. Stat.,
c. 241, s. 8,
amended.

2. Section 8 of *The Municipal Drainage Act* is amended by adding thereto the following subsection:

Engineer
to report on
bench
marks.

(11a) The engineer or surveyor shall also in his report, plans, specifications and profiles sufficiently record the descriptions, locations and elevations of every bench mark or permanent level by which a drainage work is to be governed.

Rev. Stat.,
c. 241, s. 9,
subs. 2,
repealed.

3.—(1) Subsection 2 of section 9 of *The Municipal Drainage Act* is repealed and the following substituted therefor:

Engineer to
establish
bench
marks.

(2) The engineer or surveyor in making his survey shall establish sufficient bench marks or permanent levels by which a drainage work may be governed.

Rev. Stat.,
c. 241, s. 9,
amended.

(2) The said section 9 is further amended by adding thereto the following subsection:

Penalty for
interference
with work or
bench marks
of engineer.

(3) Any person who interferes with or obstructs the engineer or his assistants in the exercise of the powers conferred by subsection 1 or interferes with, removes or destroys any bench mark or permanent level mark established under subsection 2 shall incur a penalty not exceeding \$100 recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 121.Rev. Stat.,
c. 241,
amended.

4. *The Municipal Drainage Act* is amended by adding thereto the following section:

25a.—(1) Where two or more works have been undertaken and the by-laws provided for by section 21 or section 87 have been passed, instead of borrowing the separate sums thereby authorized to be borrowed and issuing debentures therefor, the council by a consolidating by-law, may provide for borrowing the aggregate of such separate sums and for issuing one series of debentures therefor.

Debentures
for separate
drainage
works may
be con-
solidated.

- (2) A consolidating by-law shall show by recitals or otherwise in respect to which separate by-laws it is passed.
- (3) It shall not be necessary that a consolidating by-law shall impose any rate to provide for the payment of the debentures issued under it or the interest thereon, but the rates imposed by the separate by-laws shall be levied, collected and applied for that purpose.
- (4) The provisions of sections 22 to 25 shall not apply to a consolidating by-law passed under this section.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

BILL

An Act to amend The Municipal
Drainage Act.

1st Reading

March 23rd, 1931

2nd Reading

March 25th, 1931

3rd Reading

March 27th, 1931

MR. MACAULAY

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Local Improvement Act.

MR. MACAULAY

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 154

1931

BILL

An Act to amend The Local Improvement Act.

HIS MAJESTY, and by with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 235, s. 46,
amended.

1. Section 46 of *The Local Improvement Act* is amended by adding thereto the following subsection:

Consolidat-
ing by-law
may
authorize
debentures
of different
terms of
years.

- (4) In cities a consolidating by-law passed under subsection 1 may authorize the issue of debentures in one series notwithstanding that some of such debentures may be for different terms of years from the other debentures to be issued thereunder, provided the sum to be raised in each year under the consolidating by-law shall equal the aggregate of the sums which would have been raised under the separate by-laws had no consolidating by-law been passed.

Rev. Stat.,
c. 235, s. 59,
subs. 2,
repealed.

2. Subsection 2 of section 59 of *The Local Improvement Act* is repealed and the following substituted therefor:

Assessment
of cost of
waterworks
on rateable
property
in area.

- (2) When the work undertaken is the construction of waterworks the whole cost of construction and the annual cost of managing and maintaining the work shall be assessed by a special rate on the whole rateable property in the area, and with respect to any such work it shall not be necessary to serve notice of intention to construct the work upon owners of the lots in the area and the provisions of section 12 with respect to service of notice and the provisions of sections 34 to 44 of this Act shall not apply to the work.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

Section 2. The purpose of this amendment is to permit that in cities all local improvement debenture issues may be dealt with in one by-law notwithstanding that portions of the issues are for a different period of years from the remaining portions thereof. Doubt exists as to the present power to do so.

Section 3. The present provision as to assessment of cost of water-works in a township or village area is incomplete as it fails to exclude applications of certain sections which are inapplicable where the cost is put on the rateable property and not assessed against the frontage. Sub-section 2 is therefore rewritten to exclude necessity for service of notice on the frontagers or for preparation of special assessment rolls and holding a court of revision.

BILL

An Act to amend The Local Improvement Act.

1st Reading

March 23, 1931

2nd Reading

3rd Reading

MR. MACAULAY

No. 154

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Local Improvement Act.

MR. MACAULAY

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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Rev. Stat.,
c. 235, s. 46,
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1. Section 46 of *The Local Improvement Act* is amended by adding thereto the following subsection:

Consolidat-
ing by-law
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authorize
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years.

- (4) In cities a consolidating by-law passed under subsection 1 may authorize the issue of debentures in one series notwithstanding that some of such debentures may be for different terms of years from the other debentures to be issued thereunder, provided the sum to be raised in each year under the consolidating by-law shall equal the aggregate of the sums which would have been raised under the separate by-laws had no consolidating by-law been passed.

Rev. Stat.,
c. 235, s. 59,
subs. 2,
repealed.

2. Subsection 2 of section 59 of *The Local Improvement Act* is repealed and the following substituted therefor:

Assessment
of cost of
waterworks
on rateable
property
in area.

- (2) When the work undertaken is the construction of waterworks the whole cost of construction and the annual cost of managing and maintaining the work shall be assessed by a special rate on the whole rateable property in the area, and with respect to any such work it shall not be necessary to serve notice of intention to construct the work upon owners of the lots in the area and the provisions of section 12 with respect to service of notice and the provisions of sections 34 to 44 of this Act shall not apply to the work.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Local Improvement Act.

1st Reading

March 23, 1931

2nd Reading

April 1st, 1931

3rd Reading

April 1st, 1931

MR. MACAULAY

No. 155

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to Confirm Tax Sales and Deeds.

MR. MACAULAY

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 155

1931

BILL

An Act to Confirm Tax Sales and Deeds.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Tax Sales Confirmation Act, 1931*.

Con-
firmation of
tax sales
and deeds.

2. All sales of land situate within any municipality in Ontario held prior to the 31st day of December, 1928 and purporting to have been made for arrears of taxes payable to a municipal corporation in respect to the lands so sold are confirmed and declared to be legal, valid and binding, and all conveyances of lands so sold, executed as required by *The Assessment Act*, purporting to convey the said lands to the purchaser thereof or his heirs, or assigns or to such municipal corporation are also confirmed and declared to be legal, valid and binding and shall have the effect of vesting the lands so sold, and the same are hereby vested, in the purchaser or his heirs, or assigns and in his heirs and assigns or in the said municipal corporation and its successors and assigns as the case may be in fee simple or otherwise according to the nature of the estate or interest sold free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale, or their assigns, and of all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which the said lands were so sold.

Rev. Stat.,
c. 238.

Pending
litigation not
affected.

3. Nothing in this Act contained shall affect or prejudice the rights of any person under any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

Not to apply
to lands for-
feited under
Rev. Stat.,
c. 28.

4. This Act shall not apply to lands forfeited to the Crown under *The Mining Tax Act*.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

In 1929 by chapter 64 all municipal tax sales and tax deeds prior to 1925 were confirmed. The purpose of this Act is to extend such confirmation up to 31 December, 1928. Pending litigation is not affected.

BILL

An Act to Confirm Tax Sales and Deeds.

1st Reading

March 23rd, 1931

2nd Reading

3rd Reading

MR. MACAULAY

No. 155

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to Confirm Tax Sales and Deeds.

MR. MACAULAY

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 155

1931

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An Act to Confirm Tax Sales and Deeds.

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Short title.

1. This Act may be cited as *The Tax Sales Confirmation Act, 1931*.

Con-
firmation of
tax sales
and deeds.

2. All sales of land situate within any municipality in Ontario held prior to the 31st day of December, 1928 and purporting to have been made for arrears of taxes payable to a municipal corporation in respect to the lands so sold are confirmed and declared to be legal, valid and binding, and all conveyances of lands so sold, executed as required by *The Assessment Act*, purporting to convey the said lands to the purchaser thereof or his heirs, or assigns or to such municipal corporation are also confirmed and declared to be legal, valid and binding and shall have the effect of vesting the lands so sold, and the same are hereby vested, in the purchaser or his heirs, or assigns and in his heirs and assigns or in the said municipal corporation and its successors and assigns as the case may be in fee simple or otherwise according to the nature of the estate or interest sold free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale, or their assigns, and of all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which the said lands were so sold.

Rev. Stat.,
c. 238.

3. Nothing in this Act contained shall affect or prejudice the rights of any person under any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

Pending
litigation not
affected.Not to apply
to lands for-
feited under
Rev. Stat.,
c. 28.

4. This Act shall not apply to lands forfeited to the Crown under *The Mining Tax Act*.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to Confirm Tax Sales and Deeds.

1st Reading

March 23rd, 1931

2nd Reading

March 25th, 1931

3rd Reading

March 27th, 1931

MR. MACAULAY

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Theatres and Cinematographs Act.

MR. DUNLOP

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 156

1931

BILL

An Act to amend The Theatres and Cinematographs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Theatres and Cinematographs Act, 1931*.

Rev. Stat.,
c. 285, s. 2,
amended.

2. Section 2 of *The Theatres and Cinematographs Act* as amended by section 3 of *The Theatres and Cinematographs Act, 1930*, is further amended by inserting after the word "matter" in the thirteenth line, the following words: "requiring that a proportion of the films available for distribution to exhibitors, and the films exhibited in each theatre, shall be of British manufacture and origin, and fixing such proportions on a monthly or yearly basis."

EXPLANATORY NOTE

The proposed amendment gives the Lieutenant-Governor in Council authority to require every film exchange to have available for distribution and every motion-picture theatre to exhibit a percentage of films of British manufacture and origin.

BILL

An Act to amend The Theatres and
Cinematographs Act.

1st Reading

March 24th, 1931

2nd Reading

3rd Reading

MR. DUNLOP

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Theatres and Cinematographs Act.

MR. DUNLOP

No. 156

1931

BILL

An Act to amend The Theatres and Cinematographs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Theatres and Cinematographs Act, 1931*.

Rev. Stat.,
c. 285, s. 2,
amended. **2.** Section 2 of *The Theatres and Cinematographs Act* as amended by section 3 of *The Theatres and Cinematographs Act, 1930*, is further amended by inserting after the word "matter" in the thirteenth line, the following words: "requiring that a proportion of the films available for distribution to exhibitors, and the films exhibited in each theatre, shall be of British manufacture and origin, and fixing such proportions on a monthly or yearly basis."

BILL

An Act to amend The Theatres and
Cinematographs Act.

1st Reading

March 24th, 1931

2nd Reading

March 26th, 1931

3rd Reading

March 31st, 1931

MR. DUNLOP

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting Private Hospitals.

MR. ROBB

BILL

An Act respecting Private Hospitals.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as *The Private Hospitals Act, 1931*.

Interpre-
tation. 2. In this Act,—

"Depart-
ment." (a) "Department" shall mean the Department of Health for Ontario;

"House." (b) "House" shall include any building, tent or other structure, whether permanent or temporary, intended for human habitation; and where there are two or more such structures in the occupation of the same person and situate on the same piece of land they shall be deemed to constitute a single house within the meaning of this Act;

"Inspector." (c) "Inspector" shall mean an officer of the Department designated as an inspector;

"Maternity
hospital." (d) "Maternity hospital" shall mean a private hospital for the reception and care of patients in or in respect of child-birth;

"Medical
and surgical
hospital." (e) "Medical and surgical hospital" shall mean a private hospital for the reception of any class of patients other than those last mentioned;

"Minister." (f) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act;

"Patient." (g) "Patient" shall mean a person admitted to a private hospital for the purposes of treatment;

EXPLANATORY NOTE

General Note.—With the repeal of *The Hospitals and Charitable Institutions Act* it is necessary to provide for private hospitals which are now covered by sections 25 to 43 of the repealed Act.

This new Act is to a great extent a re-enactment of the above-mentioned provisions with such additions as are desirable to transfer control thereof to the Department of Health and to make regulations so that private hospitals may be brought into line with the institutional legislation being passed at this Session.

In future it is intended to limit the application of the Act to private hospitals which have four or more patients instead of two patients as at present.

"Private hospital."

(h) "Private hospital" shall mean a house in which four or more patients are or may be admitted for treatment other than,—

(i) a hospital under *The Public Hospitals Act, 1931*;

(ii) a sanatorium under *The Sanatoria for Consumptives Act*;

(iii) a hospital or other establishment or institution wholly or mainly supported by provincial aid;

Rev. Stat.,
c. 355.

(iv) an institution in respect of which a license under *The Private Sanitarium Act* is in force, or

Rev. Stat.,
c. 233.

(v) an institution for the reclamation and cure of habitual drunkards established under *The Municipal Act*

and, without restricting the generality of the foregoing, private hospital shall include a convalescent home, rest home, private sanatorium for consumptives, private refuge for the aged or infirm and any other hospital, home refuge or other premises which may be declared by the Lieutenant-Governor in Council to be subject to this Act.

Regu-
lations."

(i) "Regulations" shall mean any regulations made under this Act;

"Superin-
tendent."

(j) "Superintendent" shall mean the person who has for the time being the direct and actual superintendence and charge of a private hospital;

"Treat-
ment."

(k) "Treatment" shall mean and include the stay, maintenance, observation, care, nursing and treatment of a patient.

3. The several private hospitals licensed under *The Hospitals and Charitable Institutions Act* shall for the purposes of this Act be deemed to have had their respective licenses renewed until the 30th day of September, 1932, subject however to the right of the Minister to revoke any such license and subject to payment of the fee for renewal of a license.

4. The Lieutenant-Governor in Council upon the recommendation of the Minister may make such regulations with respect to private hospitals as may be deemed necessary for:

(a) their construction, establishment, licensing, alteration, equipment, maintenance and repair;

- (b) their classifications, grades and standards;
- (c) their inspection, control, government, management, conduct, operation and use;
- (d) their superintendents, staffs, officers, servants and employees and the powers and duties thereof;
- (e) the admission, treatment, conduct, discipline and discharge of patients;
- (f) the classification of patients;
- (g) the records, books, accounting systems, audits, reports and returns to be made and kept; and
- (h) all other matters affecting private hospitals.

5. It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act and the regulations.

6. The Minister, with the approval of the Lieutenant-Governor in Council, may designate one or more officers of the Department to be inspectors for the purposes of this Act and the regulations, and the powers and duties of such inspectors shall be as prescribed by the regulations.

7. Every private hospital shall have power to carry on its undertaking as may be authorized by any general or special Act under which it was created, established, incorporated or empowered so to do, but where the provisions of any general or special Act heretofore passed conflict with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail.

License
for hospital.

8.—(1) No house shall be used as a private hospital except under the authority of a license issued by the Minister under this Act.

Penalty.

(2) If any house is used as a private hospital in breach of this section the occupier and all persons concerned in the management of the house, or in the admission to or treatment of any patient therein, shall severally incur a penalty not exceeding \$25 for every day during which such use is continued.

Application
for license.

9.—(1) Every application for a license to keep a private hospital shall be made in writing to the Minister and shall contain the following particulars:

- (a) the full name, place of abode and occupation of the applicant;
- (b) a statement of the estate or interest of the applicant in the house in respect of which the license is desired;
- (c) a statement of the number of patients proposed to be admitted in the house and in each room or apartment of the house;
- (d) a description of the situation of the house;
- (e) a plan of the house on a scale of not less than an eighth of an inch to the foot;
- (f) a statement of the length, breadth and height of every room and apartment in the house, including operating and subsidiary rooms;
- (g) a statement of the rooms or apartments to be used exclusively by patients, and of those to be used exclusively by the licensee or the superintendent or by persons other than patients;
- (h) a statement of the sanitary arrangements, ventilation, heating and water supply of the house;
- (i) a full description of the fire escapes of the house and the facilities provided for use in case of fire;
- (j) a statement as to the classes of patients proposed to be admitted.

Verification
of appli-
cation.

Fee.

(2) Every such application shall be verified by the statutory declaration of the applicant and shall be accompanied by a fee of \$15.

Approval.

10. No license shall be granted unless the house and its location with regard to adjoining dwelling houses are approved by an Inspector as suitable for the purposes indicated in the application, and the Minister is satisfied as to the character and fitness of the applicant.

Kinds
of licensed
private
hospitals.

11.—(1) Every private hospital shall according to the tenor of the license issued in respect thereof be either:

Maternity.

(a) a licensed maternity hospital; or

Medical.

(b) a licensed medical and surgical hospital; or

Maternity
and medical.

(c) a hospital licensed both as a maternity and as a medical and surgical hospital.

Number of patients. (2) Every license shall state the maximum number of patients who may be admitted in the hospital at any one time.

Limitation of patients. (3) A license may be limited to the admission of any particular class or classes of patients.

Duration of license. (4) Every license shall expire on the 30th day of September next following the date of its issue, but may be renewed in accordance with the regulations.

Annual fee. **12.** The fee for renewal of a license shall be \$5.

Condition of license notwithstanding death of one of joint licensees. **13.** When a license has been issued to two or more persons jointly, and during the currency thereof any of those persons dies leaving the other or others surviving, the license shall remain in force and have the same effect as if granted to the survivor or survivors.

Transfer of license upon application of licensee. **14.** On the application in writing signed by the licensee and by any person to whom he desires that his license shall be transferred, the Minister may, by endorsement on the license or otherwise in writing, transfer the license to that person, and thereupon that person shall become the licensee of the private hospital with the same rights and obligations as if the license had been granted to him.

Transfer or revocation of license upon death of licensee. **15.—(1)** If the licensee or the sole surviving licensee dies the Minister may, by endorsement on the license or otherwise in writing, transfer the license to any person nominated by the executors or administrators of the deceased licensee, and that person shall thereupon become the licensee of the private hospital with the same rights and obligations as if the license had been granted to him.

Continuation of license until revoked. (2) During the currency of a license and any renewal thereof and until the license is revoked under this Act the private hospital shall continue to be a licensed hospital, and the superintendent and other officers shall be deemed for the purposes of this Act to continue in office in the same manner as if the licensee were still living.

Revocation under such circumstances. (3) If the license is not transferred under the authority of this section within two months after the death of the licensee or of the sole surviving licensee the Minister may by writing under his hand revoke the license, and notice of the revocation shall be published in the *Ontario Gazette*.

Revocation of license. **16.—(1)** A license may at any time be revoked by the Minister, if

Default in
payment of
license fee.

(a) the licensee has made default for three months in paying the annual license fee;

Conviction
of offences
against Act.

(b) the licensee or superintendent has been convicted of an offence against this Act or of any offence punishable by imprisonment; or

Premises
unsanitary.

(c) in the opinion of an Inspector the hospital premises are unsanitary or without proper fire protection, or the private hospital is managed or conducted in such a manner that the revocation of the license is required in the public interest.

Notice
to licensee.

(2) Before a license is revoked the Minister shall give notice to the licensee or superintendent of the ground on which it is proposed to revoke the license, and shall afford to him an opportunity of showing cause why the license should not be revoked.

Service
of notice.

(3) Any such notice may be given to the licensee or superintendent, either personally or by leaving it at the hospital with an officer or employee thereof or by mailing the same by registered letter postage prepaid addressed to such licensee or superintendent at the hospital and the revocation shall be effected by writing under the hand of the Minister, and notice of the revocation shall be published in the *Ontario Gazette*.

Decision of
Provincial
Secretary
final.

(4) The decision of the Minister as to the revocation of a license shall be final and conclusive and shall not be questioned in any court or in any proceeding.

Approval by
Inspector of
structural
alterations.

17.—(1) No structural alteration of or addition to any private hospital shall be made until a plan of the proposed alteration or addition has been given to and approved by an Inspector.

Penalty.

(2) If any alteration or addition is made in breach of this section the licensee shall incur a penalty not exceeding \$100.

Superin-
tendent of
licensed
hospital.

18.—(1) For every private hospital there shall, if required by the regulations, at all times be a superintendent resident on the premises who may be the licensee himself, if qualified under this section, and shall be either a legally qualified medical practitioner or a trained graduate nurse.

Inspector's
approval.

(2) No person other than a licensee shall be appointed as the superintendent until his name and qualification have been notified to an Inspector and he has approved of the appointment.

Acting
superin-
tendent.

(3) During the temporary absence, illness or incapacity of the superintendent the licensee may, without notice to the Inspector, appoint as acting superintendent any other person qualified in accordance with this section; and every person so appointed shall, while he so acts, be deemed for the purposes of this Act to be the superintendent, but he shall not so act, whether under the same or successive appointments, for a longer continuous period than four weeks.

Penalty.

(4) If at any time a private hospital is used as such while there is no duly qualified superintendent, or while the superintendent is not resident on the premises, the licensee shall incur a penalty not exceeding \$25 for every day during which it is so used.

Exemption
by Provincial
Secretary.

(5) The Minister may, because of special circumstances and on such terms and conditions as he thinks fit, by warrant under his hand temporarily exempt any private hospital from the requirements of subsection 1.

With-
drawal of
exemption.

(6) Any exemption so granted may be withdrawn by him by notice under his hand and delivered to the licensee of the hospital.

Register of
patients.

19.—(1) In every private hospital there shall be kept a register of patients in which shall be entered the following particulars:

Name, etc.,
of patients.

(a) the name, age and usual place of abode of every patient, and date of his admission into the hospital;

Name
of medical
practitioner.

(b) the name of the medical practitioner, if any, attending each patient;

Date
of patient's
departure
or death.

(c) the date at which each patient leaves the hospital or, in the event of the death of a patient in the hospital, the date of his death;

Other
particulars.

(d) such other particulars as may be prescribed by an Inspector.

Entry of
particulars.

(2) Such particulars shall be entered in the register as soon as practicable after the occurrence of the act or event to which the entry relates.

Penalties.

(3) Every person who knowingly makes in the register an untrue entry shall incur a penalty not exceeding \$200.

Idem.

(4) Every licensee who fails to make or cause to be made any entry in the register required by this Act to be made therein shall incur a penalty not exceeding \$50.

Inspection
by Inspector.

20. Every private hospital and the registers thereof shall at all times be open to inspection by an Inspector.

Power
of Inspector
to enter un-
licensed
premises.

21. If an Inspector believes or suspects that any house is used as a private hospital without being licensed he may at any time and from time to time by himself, or by any person authorized by him, enter and inspect such house and every part thereof; and any person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection shall incur a penalty not exceeding \$200.

Penalty.

Use of
licensed
hospitals.

22.—(1) A private hospital shall not be used for any purpose other than the purposes in respect of which the license is granted and purposes reasonably incidental thereto.

Penalty.

(2) If a private hospital is used in any manner contrary to the provisions of this section the licensee and superintendent shall severally incur a penalty not exceeding \$25 for every day during which it is so used.

Reception
in licensed
hospital of
more than
authorized
number of
patients.

23. If at any time a private hospital is used for the treatment of a greater number of patients than is permitted by the license, or for the admission of any patient of a class not authorized by the license, the licensee and the superintendent shall severally incur a penalty not exceeding \$25 for every day during which it is so used.

Penalty.

Who to be
deemed the
occupier for
certain
purposes.
Rev. Stat.,
c. 262.

24.—(1) The superintendent of a private hospital shall be deemed to be the occupier of the house for the purpose of giving notice under *The Public Health Act* of any patient found or suspected to be suffering from any communicable disease.

Idem.

(2) The superintendent of a private hospital shall be deemed to be the occupier thereof for the purpose of giving notice or information under *The Vital Statistics Act* of the death of any person or of the birth of any child in the hospital.

Rev. Stat.,
c. 78.

Penalties.

25. Any person who contravenes any of the provisions of this Act or of any regulation made thereunder where a penalty is not provided herein shall incur a penalty of not less than \$5 and not exceeding \$500, and all penalties provided for herein shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 121.

Burden
of proof in
prosecutions.

26.—(1) In any prosecution for an offence against this Act the burden of proving that any person residing in a house and there receiving medical treatment is not a patient within the meaning of this Act shall be upon the person charged.

Idem.

(2) In any prosecution for an offence against this Act the burden of proving that a license is in force, and of proving its terms, and that any person apparently having the charge, control or management of a private hospital is not the superintendent thereof within the meaning of this Act shall be upon the person charged.

Commence-
ment of Act.

27. This Act shall come into force on the 1st day of October, 1931.

BILL

An Act respecting Private Hospitals.

1st Reading

March 24th, 1931

2nd Reading

3rd Reading

MR. ROBB

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting Private Hospitals.

MR. ROBB

BILL

An Act respecting Private Hospitals.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Private Hospitals Act, 1931.*

Interpre-
tation. **2.** In this Act,—

"Depart-
ment." (a) "Department" shall mean the Department of Health for Ontario;

"House." (b) "House" shall include any building, tent or other structure, whether permanent or temporary, intended for human habitation; and where there are two or more such structures in the occupation of the same person and situate on the same piece of land they shall be deemed to constitute a single house within the meaning of this Act;

"Inspector." (c) "Inspector" shall mean an officer of the Department designated as an inspector;

"Maternity
hospital." (d) "Maternity hospital" shall mean a private hospital for the reception and care of patients in or in respect of child-birth;

"Medical
and surgical
hospital." (e) "Medical and surgical hospital" shall mean a private hospital for the reception of any class of patients other than those last mentioned;

"Minister." (f) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act;

"Patient." (g) "Patient" shall mean a person admitted to a private hospital for the purposes of treatment;

(h) "Private hospital" shall mean a house in which four or more patients are or may be admitted for treatment other than,— ^{"Private hospital."}

(i) a hospital under *The Public Hospitals Act, 1931*;

(ii) a sanatorium under *The Sanatoria for Consumptives Act, 1931*;

(iii) a hospital or other establishment or institution wholly or mainly supported by provincial aid;

(iv) an institution in respect of which a license under *The Private Sanitarium Act* is in force, ^{Rev. Stat., c. 355.}
or

(v) an institution for the reclamation and cure of habitual drunkards established under *The Municipal Act* ^{Rev. Stat., c. 233.}

and, without restricting the generality of the foregoing, private hospital shall include a convalescent home, rest home, private sanatorium for consumptives, private refuge for the aged or infirm and any other hospital, home refuge or other premises which may be declared by the Lieutenant-Governor in Council to be subject to this Act.

(i) "Regulations" shall mean any regulations made under this Act; ^{Regulations."}

(j) "Superintendent" shall mean the person who has for the time being the direct and actual superintendence and charge of a private hospital; ^{"Superintendent."}

(k) "Treatment" shall mean and include the stay, maintenance, observation, care, nursing and treatment of a patient. ^{"Treatment."}

3. The several private hospitals licensed under *The Hospitals and Charitable Institutions Act* shall for the purposes of this Act be deemed to have had their respective licenses renewed until the 30th day of September, 1932, subject however to the right of the Minister to revoke any such license and subject to payment of the fee for renewal of a license.

4. The Lieutenant-Governor in Council upon the recommendation of the Minister may make such regulations with respect to private hospitals as may be deemed necessary for:

(a) their construction, establishment, licensing, alteration, equipment, maintenance and repair;

- (b) their classifications, grades and standards;
- (c) their inspection, control, government, management, conduct, operation and use;
- (d) their superintendents, staffs, officers, servants and employees and the powers and duties thereof;
- (e) the admission, treatment, conduct, discipline and discharge of patients;
- (f) the classification of patients;
- (g) the records, books, accounting systems, audits, reports and returns to be made and kept; and
- (h) all other matters affecting private hospitals.

5. It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act and the regulations.

6. The Minister, with the approval of the Lieutenant-Governor in Council, may designate one or more officers of the Department to be inspectors for the purposes of this Act and the regulations, and the powers and duties of such inspectors shall be as prescribed by the regulations.

7. Every private hospital shall have power to carry on its undertaking as may be authorized by any general or special Act under which it was created, established, incorporated or empowered so to do, but where the provisions of any general or special Act heretofore passed conflict with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail.

License
for hospital.

8.—(1) No house shall be used as a private hospital except under the authority of a license issued by the Minister under this Act.

Penalty.

(2) If any house is used as a private hospital in breach of this section the occupier and all persons concerned in the management of the house, or in the admission to or treatment of any patient therein, shall severally incur a penalty not exceeding \$25 for every day during which such use is continued.

Application
for license.

9.—(1) Every application for a license to keep a private hospital shall be made in writing to the Minister and shall contain the following particulars:

- (a) the full name, place of abode and occupation of the applicant;
- (b) a statement of the estate or interest of the applicant in the house in respect of which the license is desired;
- (c) a statement of the number of patients proposed to be admitted in the house and in each room or apartment of the house;
- (d) a description of the situation of the house;
- (e) a plan of the house on a scale of not less than an eighth of an inch to the foot;
- (f) a statement of the length, breadth and height of every room and apartment in the house, including operating and subsidiary rooms;
- (g) a statement of the rooms or apartments to be used exclusively by patients, and of those to be used exclusively by the licensee or the superintendent or by persons other than patients;
- (h) a statement of the sanitary arrangements, ventilation, heating and water supply of the house;
- (i) a full description of the fire escapes of the house and the facilities provided for use in case of fire;
- (j) a statement as to the classes of patients proposed to be admitted.

(2) Every such application shall be verified by the statutory declaration of the applicant and shall be accompanied by a fee of \$15.

Verification
of appli-
cation.

Fee.

10. No license shall be granted unless the house and its location with regard to adjoining dwelling houses are approved by an Inspector as suitable for the purposes indicated in the application, and the Minister is satisfied as to the character and fitness of the applicant.

Approval.

11.—(1) Every private hospital shall according to the tenor of the license issued in respect thereof be either:

Kinds
of licensed
private
hospitals.

(a) a licensed maternity hospital; or

Maternity.

(b) a licensed medical and surgical hospital; or

Medical.

(c) a hospital licensed both as a maternity and as a medical and surgical hospital.

Maternity
and medical.

Number of patients. (2) Every license shall state the maximum number of patients who may be admitted in the hospital at any one time.

Limitation of patients. (3) A license may be limited to the admission of any particular class or classes of patients.

Duration of license. (4) Every license shall expire on the 30th day of September next following the date of its issue, but may be renewed in accordance with the regulations.

Annual fee. **12.** The fee for renewal of a license shall be \$5.

Condition of license notwithstanding death of one of joint licensees. **13.** When a license has been issued to two or more persons jointly, and during the currency thereof any of those persons dies leaving the other or others surviving, the license shall remain in force and have the same effect as if granted to the survivor or survivors.

Transfer of license upon application of licensee. **14.** On the application in writing signed by the licensee and by any person to whom he desires that his license shall be transferred, the Minister may, by endorsement on the license or otherwise in writing, transfer the license to that person, and thereupon that person shall become the licensee of the private hospital with the same rights and obligations as if the license had been granted to him.

Transfer or revocation of license upon death of licensee. **15.—(1)** If the licensee or the sole surviving licensee dies the Minister may, by endorsement on the license or otherwise in writing, transfer the license to any person nominated by the executors or administrators of the deceased licensee, and that person shall thereupon become the licensee of the private hospital with the same rights and obligations as if the license had been granted to him.

Continuation of license until revoked. (2) During the currency of a license and any renewal thereof and until the license is revoked under this Act the private hospital shall continue to be a licensed hospital, and the superintendent and other officers shall be deemed for the purposes of this Act to continue in office in the same manner as if the licensee were still living.

Revocation under such circumstances. (3) If the license is not transferred under the authority of this section within two months after the death of the licensee or of the sole surviving licensee the Minister may by writing under his hand revoke the license, and notice of the revocation shall be published in the *Ontario Gazette*.

Revocation of license. **16.—(1)** A license may at any time be revoked by the Minister, if

- (a) the licensee has made default for three months in paying the annual license fee; Default in payment of license fee.
- (b) the licensee or superintendent has been convicted of an offence against this Act or of any offence punishable by imprisonment; or Conviction of offences against Act.
- (c) in the opinion of an Inspector the hospital premises are unsanitary or without proper fire protection, or the private hospital is managed or conducted in such a manner that the revocation of the license is required in the public interest. Premises unsanitary.
- (2) Before a license is revoked the Minister shall give notice to the licensee or superintendent of the ground on which it is proposed to revoke the license, and shall afford to him an opportunity of showing cause why the license should not be revoked. Notice to licensee.
- (3) Any such notice may be given to the licensee or superintendent, either personally or by leaving it at the hospital with an officer or employee thereof or by mailing the same by registered letter postage prepaid addressed to such licensee or superintendent at the hospital and the revocation shall be effected by writing under the hand of the Minister, and notice of the revocation shall be published in the *Ontario Gazette*. Service of notice.
- (4) The decision of the Minister as to the revocation of a license shall be final and conclusive and shall not be questioned in any court or in any proceeding. Decision of Provincial Secretary final.
- 17.—**(1) No structural alteration of or addition to any private hospital shall be made until a plan of the proposed alteration or addition has been given to and approved by an Inspector. Approval by Inspector of structural alterations.
- (2) If any alteration or addition is made in breach of this section the licensee shall incur a penalty not exceeding \$100. Penalty.
- 18.—**(1) For every private hospital there shall, if required by the regulations, at all times be a superintendent resident on the premises who may be the licensee himself, if qualified under this section, and shall be either a legally qualified medical practitioner or a trained graduate nurse. Superintendent of licensed hospital.
- (2) No person other than a licensee shall be appointed as the superintendent until his name and qualification have been notified to an Inspector and he has approved of the appointment. Inspector's approval.

Acting
superin-
tendent.

(3) During the temporary absence, illness or incapacity of the superintendent the licensee may, without notice to the Inspector, appoint as acting superintendent any other person qualified in accordance with this section; and every person so appointed shall, while he so acts, be deemed for the purposes of this Act to be the superintendent, but he shall not so act, whether under the same or successive appointments, for a longer continuous period than four weeks.

Penalty.

(4) If at any time a private hospital is used as such while there is no duly qualified superintendent, or while the superintendent is not resident on the premises, the licensee shall incur a penalty not exceeding \$25 for every day during which it is so used.

Exemption
by Provincial
Secretary.

(5) The Minister may, because of special circumstances and on such terms and conditions as he thinks fit, by warrant under his hand temporarily exempt any private hospital from the requirements of subsection 1.

With-
drawal of
exemption.

(6) Any exemption so granted may be withdrawn by him by notice under his hand and delivered to the licensee of the hospital.

Register of
patients.

19.—(1) In every private hospital there shall be kept a register of patients in which shall be entered the following particulars:

Name, etc.,
of patients.

(a) the name, age and usual place of abode of every patient, and date of his admission into the hospital;

Name
of medical
practitioner.

(b) the name of the medical practitioner, if any, attending each patient;

Date
of patient's
departure
or death.

(c) the date at which each patient leaves the hospital or, in the event of the death of a patient in the hospital, the date of his death;

Other
particulars.

(d) such other particulars as may be prescribed by an Inspector.

Entry of
particulars.

(2) Such particulars shall be entered in the register as soon as practicable after the occurrence of the act or event to which the entry relates.

Penalties.

(3) Every person who knowingly makes in the register an untrue entry shall incur a penalty not exceeding \$200.

Idem.

(4) Every licensee who fails to make or cause to be made any entry in the register required by this Act to be made therein shall incur a penalty not exceeding \$50.

20. Every private hospital and the registers thereof shall at all times be open to inspection by an Inspector. Inspection by Inspector.

21. If an Inspector believes or suspects that any house is used as a private hospital without being licensed he may at any time and from time to time by himself, or by any person authorized by him, enter and inspect such house and every part thereof; and any person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection shall incur a penalty not exceeding \$200. Power of Inspector to enter unlicensed premises. Penalty.

22.—(1) A private hospital shall not be used for any purpose other than the purposes in respect of which the license is granted and purposes reasonably incidental thereto. Use of licensed hospitals.

(2) If a private hospital is used in any manner contrary to the provisions of this section the licensee and superintendent shall severally incur a penalty not exceeding \$25 for every day during which it is so used. Penalty.

23. If at any time a private hospital is used for the treatment of a greater number of patients than is permitted by the license, or for the admission of any patient of a class not authorized by the license, the licensee and the superintendent shall severally incur a penalty not exceeding \$25 for every day during which it is so used. Reception in licensed hospital of more than authorized number of patients. Penalty.

24.—(1) The superintendent of a private hospital shall be deemed to be the occupier of the house for the purpose of giving notice under *The Public Health Act* of any patient found or suspected to be suffering from any communicable disease. Who to be deemed the occupier for certain purposes. Rev. Stat., c. 262.

(2) The superintendent of a private hospital shall be deemed to be the occupier thereof for the purpose of giving notice or information under *The Vital Statistics Act* of the death of any person or of the birth of any child in the hospital. Idem. Rev. Stat., c. 78.

25. Any person who contravenes any of the provisions of this Act or of any regulation made thereunder where a penalty is not provided herein shall incur a penalty of not less than \$5 and not exceeding \$500, and all penalties provided for herein shall be recoverable under *The Summary Convictions Act*. Penalties. Rev. Stat., c. 121.

26.—(1) In any prosecution for an offence against this Act the burden of proving that any person residing in a house and there receiving medical treatment is not a patient within the meaning of this Act shall be upon the person charged. Burden of proof in prosecutions.

Idem.

(2) In any prosecution for an offence against this Act the burden of proving that a license is in force, and of proving its terms, and that any person apparently having the charge, control or management of a private hospital is not the superintendent thereof within the meaning of this Act shall be upon the person charged.

Commence-
ment of Act.

27. This Act shall come into force on the 1st day of October, 1931.

BILL

An Act respecting Private Hospitals

1st Reading

March 24th, 1931

2nd Reading

March 27th, 1931

3rd Reading

April 1st, 1931

MR. ROBB

No. 158

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting the Practice of Veterinary Science.

MR. KENNEDY (Peel)

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 158

1931

BILL

An Act respecting the Practice of Veterinary Science.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Veterinary Science Practice Act, 1931*.

Interpreta-
tion,— **2.** In this Act,—

"Associa-
tion." (b) "Association" shall mean the Ontario Veterinary Association;

"Board." (b) "Board" shall mean the Veterinary Practice Board;

"Minister." (c) "Minister" shall mean the Minister of Agriculture for the Province of Ontario;

"Registrar." (d) "Registrar" shall mean the Registrar of the Ontario Veterinary Association;

"Veterinary
science." (e) "Veterinary science" shall mean the application of medicine or surgery to the ailments of any kind of live stock or domestic animals, except as regards parturition, castration, spaying and dehorning. R.S.O. 1927, c. 208, s. 1. *Amended*.

Ontario
Veterinary
Association. **3.** All persons duly qualified and registered under the provisions of this Act to practise veterinary science shall constitute the Ontario Veterinary Association. *New*.

Corporate
name and
powers. **4.** The Association shall be a corporate body by the name aforesaid, having a common seal, with power to make by-laws, rules and regulations as may be deemed necessary governing its members, and to fix the fees of admission and annual fees, and shall prescribe the form of certificate to be issued under this Act. *New*.

EXPLANATORY NOTES

Section 2. Interpretation section. Clauses (a), (b) and (d) are new.

Section 3. This is new and provides for the constitution of the Ontario Veterinary Association.

Section 4. This is new and gives the Association power to make by-laws, rules and regulations governing the members.

Certificate
required.

5. On and after the 1st day of June, 1931, no person shall practise veterinary science for fees in Ontario without a certificate entitling him so to do. R.S.O. 1927, c. 208, s. 2. *Amended.*

Board to
approve
certificates.

6. Such certificates shall be issued annually by the Registrar to recognized graduates in veterinary science upon the recommendation of a board of three members to be appointed each year by the Association and to be known as the Veterinary Practice Board. *New.*

Registrar's
duties.

7. The Registrar shall be appointed each year by the Association and it shall be the duty of the Registrar to issue the necessary certificates and to make and keep a correct register of those receiving certificates each year and to remove delinquents from the register from time to time as recommended by the Board. *New.*

Applications
for
certificates.

8. Applications for certificates shall be made to the Registrar and referred by him to the Board and it shall be the duty of the Board to carefully examine the evidence submitted as to the standing of each applicant for such certificate and recommendations shall be made only in the cases of,—

(a) graduates in veterinary science of the Ontario Veterinary College or of the University of Toronto;
or

(b) graduates in veterinary science of any veterinary college or university recognized by the Board as being at least equal in standing to the Ontario Veterinary College, and who have passed an examination conducted by the Board equivalent to that prescribed by the University of Toronto for the degree of Bachelor of Veterinary Science. R.S.O. 1927, c. 208, s. 4. *Amended.*

Persons
exempt.

1920, c. 51.

Rev. Stat.,
c. 208.

9. Persons who at the time of the passing of this Act have received certificates from the Minister under the provisions of clause c of section 5 of *The Veterinary Science Practice Act, 1920*, or under the provisions of *The Veterinary Science Practice Act, R.S.O. 1927, chapter 208*, shall be exempt from the operations of this Act. *New.*

Cancellation
of
certificates.

10. The Registrar, upon the recommendation of the Board, may cancel any certificate upon evidence that the holder thereof has been convicted in the courts of an indictable offence, or is of bad repute through disgraceful conduct, or is in default of any fees payable by him to the Association, whereupon such person shall cease to have any of the privileges

Section 5. This is the same as present section 2 except that under the present Act the certificate is issued by the Minister whereas by the proposed Act it will be issued by the Registrar upon the recommendation of the Board.

Section 6. This is new and provides for the annual issue of certificates to recognized graduates in veterinary science.

Section 7. This is new and provides for the appointment of the registrar and sets out his duties.

Section 8. This is taken from the present section 4 but provides that the application for a certificate be made to the Registrar instead of to the chairman of the Board, and clause (b) contains an additional provision that graduates in veterinary science in any college equivalent in standing to the Ontario Veterinary College must pass an examination conducted by the Board.

Section 9. This is taken from clause (c) of the present section 4 and is for the protection of laymen who have been granted permission to practise veterinary science although not graduates of any university.

Section 10. This is taken from the present section 5 but provides that the Registrar upon the recommendation of the Board may cancel a certificate, instead of this being done by the Minister and adds an additional provision that the certificate may be cancelled in the case of a person who "is of bad repute through disgraceful conduct or who is in default of any fees payable to the Association."

of a veterinary surgeon under this Act. R.S.O. 1927, c. 208, s. 5. *Amended.*

Conducting
courses in
veterinary
science.

11. No person or persons, association, company or organization shall hereafter conduct in Ontario courses in veterinary science for which fees are charged or certificates or diplomas granted without a certificate of authorization from the Minister, and a certificate shall only be issued after investigation by the Board has shown that the requirements of admission and courses of study and instruction are at least equal in standard to that of the Ontario Veterinary College. R.S.O. 1927, c. 208, s. 6. *Amended.*

Use of titles
restricted.

12. No person, other than a graduate in veterinary science of a recognized college or university, shall use the title "Veterinary," "Veterinarian," "Veterinary Surgeon" or append to his name any of these titles, or any abbreviation thereof, and no graduate in veterinary science shall use any title or degree which has not been conferred on him by a recognized college or university. R.S.O. 1927, c. 208, s. 7. *Amended.*

Right to
professional
fees.

13. Any person holding a certificate from the Registrar shall be entitled to professional fees in attending any court of law in such cases as relate to the veterinary profession. R.S.O. 1927, c. 208, s. 8. *Amended.*

Penalty.

14. Any person violating any provision of this Act shall be guilty of an offence and shall incur a penalty of not more than \$100 nor less than \$50 to be recoverable by the Association under *The Summary Convictions Act*. R.S.O. 1927, c. 208, s. 9. *Amended.*

Rev. Stat.,
c. 121.

Rev. Stat.,
c. 208,
repealed.

15. *The Veterinary Science Practice Act*, being chapter 208 of the Revised Statutes of 1927, is repealed.

Commence-
ment of Act.

16. This Act shall come into force on the 1st day of June, 1931.

Section 11. This is the same as the present section 6 except that the word "or" in the third line has been substituted for the word "and."

Section 12. This is the same as the present section 7 with the addition of the words "Veterinary" and "Veterinarian."

Section 13. This is taken from the present section 8 which provides that a veterinary surgeon shall be entitled to \$4 per day when called as a witness in any court to give a professional opinion or in consequence of any professional service rendered by him.

Section 14. This is taken from the present section 9. The proposed section clearly sets out that the penalty is to be recoverable by the Association.

Section 15. Repeal section.

BILL

An Act respecting the Practice of
Veterinary Science.

1st Reading

March 24th, 1931

2nd Reading

3rd Reading

MR. KENNEDY (Peel)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting the Practice of Veterinary Science.

MR. KENNEDY (Peel)

BILL

An Act respecting the Practice of Veterinary Science.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Veterinary Science Practice Act, 1931*.

Interpretation,— **2.** In this Act,—

"Association," (a) "Association" shall mean the Ontario Veterinary Association;

"Board," (b) "Board" shall mean the Veterinary Practice Board;

"Minister." (c) "Minister" shall mean the Minister of Agriculture for the Province of Ontario;

"Registrar." (d) "Registrar" shall mean the Registrar of the Ontario Veterinary Association;

"Veterinary science." (e) "Veterinary science" shall mean the application of medicine or surgery to the ailments of any kind of live stock or domestic animals, except as regards parturition, castration, spaying and dehorning.
R.S.O. 1927, c. 208, s. 1. *Amended*.

Ontario Veterinary Association. **3.** All persons duly qualified and registered under the provisions of this Act to practise veterinary science shall constitute the Ontario Veterinary Association. *New*.

Corporate name and powers. **4.** The Association shall be a corporate body by the name aforesaid, having a common seal, with power to make by-laws, rules and regulations as may be deemed necessary governing its members, and to fix the fees of admission and annual fees, and shall prescribe the form of certificate to be issued under this Act. *New*.

5. On and after the 1st day of June, 1931, no person shall practise veterinary science for fees in Ontario without a certificate entitling him so to do. R.S.O. 1927, c. 208, s. 2. *Amended.* Certificate required.

6. Such certificates shall be issued annually by the Registrar to recognized graduates in veterinary science upon the recommendation of a board of three members to be appointed each year by the Association and to be known as the Veterinary Practice Board. *New.* Board to approve certificates.

7. The Registrar shall be appointed each year by the Association and it shall be the duty of the Registrar to issue the necessary certificates and to make and keep a correct register of those receiving certificates each year and to remove delinquents from the register from time to time as recommended by the Board. *New.* Registrar's duties.

8. Applications for certificates shall be made to the Registrar and referred by him to the Board and it shall be the duty of the Board to carefully examine the evidence submitted as to the standing of each applicant for such certificate and recommendations shall be made only in the cases of,— Applications for certificates.

(a) graduates in veterinary science of the Ontario Veterinary College or of the University of Toronto; or

(b) graduates in veterinary science of any veterinary college or university recognized by the Board as being at least equal in standing to the Ontario Veterinary College, and who have passed an examination conducted by the Board equivalent to that prescribed by the University of Toronto for the degree of Bachelor of Veterinary Science. R.S.O. 1927, c. 208, s. 4. *Amended.*

9. Persons who at the time of the passing of this Act have received certificates from the Minister under the provisions of clause c of section 5 of *The Veterinary Science Practice Act, 1920*, or under the provisions of *The Veterinary Science Practice Act, R.S.O. 1927, chapter 208*, shall be exempt from the operations of this Act. *New.* Persons exempt. 1920, c. 51. Rev. Stat., c. 208.

10. The Registrar, upon the recommendation of the Board, may cancel any certificate upon evidence that the holder thereof has been convicted in the courts of an indictable offence, or is of bad repute through disgraceful conduct, or is in default of any fees payable by him to the Association, whereupon such person shall cease to have any of the privileges Cancellation of certificates.

of a veterinary surgeon under this Act. R.S.O. 1927, c. 208, s. 5. *Amended.*

Conducting
courses in
veterinary
science.

11. No person or persons, association, company or organization shall hereafter conduct in Ontario courses in veterinary science for which fees are charged or certificates or diplomas granted without a certificate of authorization from the Minister, and a certificate shall only be issued after investigation by the Board has shown that the requirements of admission and courses of study and instruction are at least equal in standard to that of the Ontario Veterinary College. R.S.O. 1927, c. 208, s. 6. *Amended.*

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12. No person, other than a graduate in veterinary science of a recognized college or university, shall use the title "Veterinary," "Veterinarian," "Veterinary Surgeon" or append to his name any of these titles, or any abbreviation thereof, and no graduate in veterinary science shall use any title or degree which has not been conferred on him by a recognized college or university. R.S.O. 1927, c. 208, s. 7. *Amended.*

Right to
professional
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13. Any person holding a certificate from the Registrar shall be entitled to professional fees in attending any court of law in such cases as relate to the veterinary profession. R.S.O. 1927, c. 208, s. 8. *Amended.*

Penalty.

14. Any person violating any provision of this Act shall be guilty of an offence and shall incur a penalty of not more than \$100 nor less than \$50 to be recoverable by the Association under *The Summary Convictions Act*. R.S.O. 1927, c. 208, s. 9. *Amended.*

Rev. Stat.,
c. 121.

Rev. Stat.,
c. 208,
repealed.

15. *The Veterinary Science Practice Act*, being chapter 208 of the Revised Statutes of 1927, is repealed.

Commence-
ment of Act.

16. This Act shall come into force on the 1st day of June, 1931.

BILL

An Act respecting the Practice of
Veterinary Science.

1st Reading

March 24th, 1931

2nd Reading

March 27th, 1931

3rd Reading

April 1st, 1931

MR. KENNEDY (Peel)

No. 159

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to appropriate \$5,000,000 for Northern Development
Purposes.

MR. FINLAYSON

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 159

1931

BILL

An Act to appropriate \$5,000,000 for Northern Development Purposes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Northern Ontario Appropriation Act, 1931*.

Additional appropriation of \$5,000,000.

Rev. Stat. c. 36; 1917 c. 13; 1919 c. 15.

2. In addition to the amounts provided by the Northern Ontario Appropriation Acts, heretofore enacted, there shall be set apart out of the Consolidated Revenue Fund the sum of \$5,000,000 and the same shall be applied for the purposes set out in *The Northern Development Act* and in *The Returned Soldiers' and Sailors' Land Settlement Acts*, or any of them.

When additional sums required.

3. The Lieutenant-Governor in Council may place to the credit of the said funds such additional sum as may be required to meet payments, which may be authorized to be met out of the said fund and for the purposes set out in the said Acts or any of them.

Commencement of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to appropriate \$5,000,000 for
Northern Development Purposes.

1st Reading

March 25th, 1931

2nd Reading

3rd Reading

MR. FINLAYSON

No. 159

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to appropriate \$5,000,000 for Northern Development
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Commencement of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to appropriate \$5,000,000 for
Northern Development Purposes.

1st Reading

March 25th, 1931

2nd Reading

March 27th, 1931

3rd Reading

April 1st, 1931

MR. FINLAYSON

No. 160

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Guelph Railway Act, 1921.

MR. COOKE

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 160

1931

BILL

An Act to amend The Guelph Railway Act, 1921.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Guelph Railway Act, 1931*.

1921, c. 22,
amended.

2. *The Guelph Railway Act, 1921*, as amended by *The Guelph Railway Act, 1923*, is further amended by adding thereto the following section:

Bond issue
by the Com-
mission.

6a.—(1) The Commission is hereby authorized without obtaining the consent of the corporation to issue bonds of the Commission to the principal amount of \$300,000, dated 1st May, 1931, bearing such rate of interest, not exceeding 5 per centum per annum maturing on such date not later than 1st May, 1971, payable at such place and being in such form as the Commission may determine, and to sell, pledge or otherwise dispose of the said bonds upon such terms as the Commission may determine. The said bonds and any proceeds from the sale, pledge or other disposition thereof, to the extent that the same may be necessary, shall be employed by the Commission in repaying or retiring bonds of the Commission to the principal amount of \$300,000 maturing 1st May, 1931, heretofore issued by the Commission under the authority of section 4, including any of said bonds maturing 1st May, 1931, which have been acquired by the Commission.

Bonds may
be guaran-
teed by
Province.

(2) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario for and on behalf of the Province, to guarantee the payment of the principal of, and interest on the bonds of the Commission authorized by this section, and the form of the guarantee and the manner of its execution shall be determined by the Lieutenant-Governor in Council.

EXPLANATORY NOTES

Section 2. This section provides for the issue of bonds to retire those maturing on the 1st day of May, 1931, and contains the usual provision for Government guarantee.

Application
of debentures
heretofore
issued.

- (3) Upon the payment or retirement, or provision for the payment or retirement of the said bonds of the Commission to the principal amount of \$300,000, maturing 1st May, 1931, debentures to the principal amount of \$300,000 heretofore issued by the corporation, and deposited with the Commission pursuant to section 5, shall be held and dealt with by the Commission and the corporation in the manner and upon the terms and conditions and for the purposes set forth in section 5, and in the agreement set out as schedule "A" to the same extent and effect as if the said debentures had been issued and deposited with the Commission in respect of the bonds of the Commission authorized to be issued under this section, instead of the said bonds maturing 1st May, 1931, and all the provisions of this Act and the said agreement relating to the said bonds, maturing 1st May, 1931, shall apply equally to the bonds authorized to be issued by the Commission under this section, provided that an annual sinking fund sufficient to repay at their maturity the bonds to be issued under this section, shall be set aside in each year during the currency of said bonds, and until applied to the repayment of said bonds at maturity, may be invested in securities authorized for investments by trustees in Ontario.

1921, c. 22,
s. 5, subs. 5,
amended.

3. Subsection 5 of section 5 of *The Guelph Railway Act, 1921*, as amended by *The Guelph Railway Act, 1923*, is amended by striking out the words "under section 9" in the fourth line and by substituting therefor the word "hereunder."

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 3. This corrects what was probably an oversight in the drafting of subsection 5 of section 5 of *The Guelph Railway Act, 1921*.

BILL

An Act to amend The Guelph Railway
Act, 1921.

1st Reading

March 25th, 1931

2nd Reading

3rd Reading

MR. COOKE

No. 160

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Guelph Railway Act, 1921.

MR. COOKE

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 160

1931

BILL

An Act to amend The Guelph Railway
Act, 1921.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Short title.

1. This Act may be cited as *The Guelph Railway Act, 1931*.

1921, c. 22,
amended.

2. *The Guelph Railway Act, 1921*, as amended by *The Guelph Railway Act, 1923*, is further amended by adding thereto the following section:

Bond issue
by the Com-
mission.

6a. —(1) The Commission is hereby authorized without obtaining the consent of the corporation to issue bonds of the Commission to the principal amount of \$300,000, dated 1st May, 1931, bearing such rate of interest, not exceeding 5 per centum per annum maturing on such date not later than 1st May, 1971, payable at such place and being in such form as the Commission may determine, and to sell, pledge or otherwise dispose of the said bonds upon such terms as the Commission may determine. The said bonds and any proceeds from the sale, pledge or other disposition thereof, to the extent that the same may be necessary, shall be employed by the Commission in repaying or retiring bonds of the Commission to the principal amount of \$300,000 maturing 1st May, 1931, heretofore issued by the Commission under the authority of section 4, including any of said bonds maturing 1st May, 1931, which have been acquired by the Commission.

Bonds may
be guaran-
teed by
Province.

(2) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario for and on behalf of the Province, to guarantee the payment of the principal of, and interest on the bonds of the Commission authorized by this section, and the form of the guarantee and the manner of its execution shall be determined by the Lieutenant-Governor in Council.

- (3) Upon the payment or retirement, or provision for the payment or retirement of the said bonds of the Commission to the principal amount of \$300,000, maturing 1st May, 1931, debentures to the principal amount of \$300,000 heretofore issued by the corporation, and deposited with the Commission pursuant to section 5, shall be held and dealt with by the Commission and the corporation in the manner and upon the terms and conditions and for the purposes set forth in section 5, and in the agreement set out as schedule "A" to the same extent and effect as if the said debentures had been issued and deposited with the Commission in respect of the bonds of the Commission authorized to be issued under this section, instead of the said bonds maturing 1st May, 1931, and all the provisions of this Act and the said agreement relating to the said bonds, maturing 1st May, 1931, shall apply equally to the bonds authorized to be issued by the Commission under this section, provided that an annual sinking fund sufficient to repay at their maturity the bonds to be issued under this section, shall be set aside in each year during the currency of said bonds, and until applied to the repayment of said bonds at maturity, may be invested in securities authorized for investments by trustees in Ontario.

3. Subsection 5 of section 5 of *The Guelph Railway Act*, 1921, c. 22, 1921, as amended by *The Guelph Railway Act*, 1923, is amended ^{Application of debentures heretofore issued.} ^{1921, c. 22, s. 5, subs. 5, amended.} by striking out the words "under section 9" in the fourth line and by substituting therefor the word "hereunder."

4. This Act shall come into force on the day upon which ^{Commence-} it receives the Royal Assent. ^{ment of Act.}

BILL

An Act to amend The Guelph Railway
Act, 1921.

1st Reading

March 25th, 1931

2nd Reading

March 27th, 1931

3rd Reading

April 1st, 1931

MR. COOKE

No. 161

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Costs of Distress Act.

MR. PRICE

No. 161

1931

BILL

An Act to amend The Costs of Distress Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Costs of Distress Act, 1931*.

Rev. Stat.
c. 110,
ss. 5-13,
repealed.

2. Sections 5 to 13 inclusive of *The Costs of Distress Act* are repealed.

Rev. Stat.
c. 110, s. 14,
repealed.

3. Section 14 of *The Costs of Distress Act* is repealed and the following substituted therefor:

Right of
action not
affected.

14. No person aggrieved by a seizure or sale of goods under a chattel mortgage or by a distress for rent or for default in payment of any instalment of principal or interest secured by any instrument under the terms of which the vendor retains the right to take possession of any chattel sold by him for default in payment of any instalment of principal or interest, shall be barred from any action or remedy which he would have had if this Act had not been passed.

Rev. Stat.
c. 110, s. 15,
subs. 1,
amended.

4.—(1) Subsection 1 of section 15 of *The Costs of Distress Act* is amended by inserting after the words "chattel mortgage" in the fifth line the words "or for default in payment of any instalment of principal or interest secured by any instrument under the terms of which the vendor retains the right to take possession of any chattel sold by him for default in payment of any instalment of principal or interest," so that the subsection will now read as follows:

Furnishing
statement of
demand and
costs.

(1) A person who makes a distress shall give a statement in writing of the demand, and of all the costs and expenses of the distress, signed by him, to the person on whose goods the distress is made, and a person who makes a seizure under a chattel mortgage or for default in payment of any instalment of principal or

Section 2. The sections repealed are those which permit offenders against the provisions of this Act to be brought before a magistrate. The matter is entirely a civil one and should be dealt with accordingly.

Section 3. This is a re-arrangement of the wording of the present section 14 in order to bring it into conformity with the amendments made to section 3 by 1929, c. 34, s. 2, and with the exception of the part relating to the magistrate's order, which has been omitted, makes no change in the law.

Section 4.—(1). The amendment is for the purpose of bringing the section into conformity with section 3 as amended in 1929.

interest secured by any instrument under the terms of which the vendor retains the right to take possession of any chattel sold by him for default in payment of any instalment of principal or interest, shall give to the person in possession of the goods seized a statement in writing signed by him of the demand and of the costs charged in respect of the seizure and subsequent proceedings.

Rev. Stat.
c. 110, s. 15,
subs. 5,
repealed.

(2) Subsection 5 of the said section 15 is repealed and the following substituted therefor:

Appeal.

(3) An appeal may be made from such taxation to a judge of the county or district court.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

(2). This provides for an appeal from the decision of the division court clerk to a judge of the county or district court.

BILL
An Act to amend The Costs of Distress
Act.

1st Reading

March 25th, 1931

2nd Reading

3rd Reading

MR. PRICE

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Costs of Distress Act.

MR. PRICE

No. 161

1931

BILL

An Act to amend The Costs of Distress Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Costs of Distress Act, 1931*.

Rev. Stat.
c. 110,
ss. 5-13,
repealed. **2.** Sections 5 to 13 inclusive of *The Costs of Distress Act* are repealed.

Rev. Stat.
c. 110, s. 14,
repealed. **3.** Section 14 of *The Costs of Distress Act* is repealed and the following substituted therefor:

Right of
action not
affected. **14.** No person aggrieved by a seizure or sale of goods under a chattel mortgage or by a distress for rent or for default in payment of any instalment of principal or interest secured by any instrument under the terms of which the vendor retains the right to take possession of any chattel sold by him for default in payment of any instalment of principal or interest, shall be barred from any action or remedy which he would have had if this Act had not been passed.

Rev. Stat.
c. 110, s. 15,
subs. 1,
amended. **4.—(1)** Subsection 1 of section 15 of *The Costs of Distress Act* is amended by inserting after the words "chattel mortgage" in the fifth line the words "or for default in payment of any instalment of principal or interest secured by any instrument under the terms of which the vendor retains the right to take possession of any chattel sold by him for default in payment of any instalment of principal or interest," so that the subsection will now read as follows:

Furnishing
statement of
demand and
costs. **(1)** A person who makes a distress shall give a statement in writing of the demand, and of all the costs and expenses of the distress, signed by him, to the person on whose goods the distress is made, and a person who makes a seizure under a chattel mortgage or for default in payment of any instalment of principal or

interest secured by any instrument under the terms of which the vendor retains the right to take possession of any chattel sold by him for default in payment of any instalment of principal or interest, shall give to the person in possession of the goods seized a statement in writing signed by him of the demand and of the costs charged in respect of the seizure and subsequent proceedings.

(2) Subsection 5 of the said section 15 is repealed and the following substituted therefor: Rev. Stat.
c. 110, s. 15
subs. 5,
repealed.

(5) An appeal may be made from such taxation to a judge of the county or district court. Appeal.

5. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

BILL
An Act to amend The Costs of Distress
Act.

1st Reading

March 25th, 1931

2nd Reading

March 27th, 1931

3rd Reading

April 1st, 1931

Mr. PRICE

No. 162

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Coroners Act.

MR. PRICE

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 162

1931

BILL

An Act to amend The Coroners Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title

1. This Act may be cited as *The Coroners Act, 1931*.

Rev. Stat.
c. 123, s. 2,
amended.

2. Section 2 of *The Coroners Act* is amended by adding thereto the following subsection:

Supervising
coroner,—
appoint-
ment of.

(1a) The Lieutenant-Governor in Council may appoint a coroner who shall have jurisdiction throughout the Province and shall act in an advisory capacity to coroners generally and shall have such powers and perform such duties with respect to the office of coroner throughout the Province as the Lieutenant-Governor in Council may prescribe.

Rev. Stat.
c. 123,
amended.

3. *The Coroners Act* is amended by adding thereto the following section:

Travelling
expenses,
postage,
forms, etc.

4a. In addition to the fees provided for by this Act, all reasonable and necessary travelling and other expenses incurred by the coroner and the cost of supplying the coroner's office with necessary postage, forms and stationery, shall be payable by the municipal corporation.

Rev. Stat.
c. 123, s. 6,
subs. 1,
amended.

4.—(1) Subsection 1 of section 6 of *The Coroners Act* is amended by striking out the words "the coroner" in the eighth line and inserting in lieu thereof the words "a coroner."

Rev. Stat.
c. 123, s. 6,
subs. 4,
amended.

(2) Subsection 4 of the said section 6 is amended by striking out the words "an expert" in the second line and inserting in lieu thereof the word "experts."

Rev. Stat.
c. 123, s. 8,
repealed.

5. Section 8 of *The Coroners Act* is repealed and the following substituted therefor:

EXPLANATORY NOTES

Section 2. This provides for the appointment of a supervising coroner with jurisdiction throughout the Province.

Section 3. There is no provision under the Act as it stands for postage, telephone calls and incidentals. The suggested section provides for these items and provides also for the supplying of forms and other stationery by the municipality. This is already the practice in some municipalities.

Section 4.—(1) Subsection 1 of section 6 now provides that information shall be given to "the coroner" having jurisdiction in the place where the body of the deceased person is. The amendment is to take care of the situation in places where there may be more than one coroner having jurisdiction.

(2) The present subsection 4 of section 6 provides that the coroner, with the sanction of the Crown Attorney, may employ an expert to assist him in the inquiry. In some cases it is found necessary to employ more than one expert.

Section 5. This is intended to correct an error in the present section 8 where it speaks of a warrant to hold an inquest when it should be a warrant to take charge of the body in cases where a death occurs in one municipality while the cause of death was in another jurisdiction.

Death due
to events
occurring
beyond
jurisdiction.

8. Where the death is believed to be the result of violence, misadventure or other matters occurring at a place beyond the jurisdiction of the coroner, he shall issue his warrant to take possession of the body as provided in section 6, and shall view the body and make such further inquiry as may be required to satisfy himself whether or not an inquest is necessary and if he finds that an inquest is necessary he may, with the consent of the Crown Attorney, issue the warrant for the inquest returnable before the coroner having jurisdiction at such place and the inquest shall be conducted by such coroner as though the death had taken place in his jurisdiction and he had issued the warrant; but the coroner issuing the warrant may take evidence to prove the fact of death, the identity of the body and the *post mortem* examination of the body, and such evidence shall be transmitted to and received by the coroner holding the inquest as part of the proceedings before him.

Rev. Stat.
c. 123, s. 10,
amended.

6. Section 10 of *The Coroners Act* is amended by striking out the words "twenty cents" in the third line and inserting in lieu thereof the words "fifteen cents."

Rev. Stat.
c. 123, s. 12,
subs. 1,
amended.

- 7.—(1) Subsection 1 of section 12 of *The Coroners Act* is amended by inserting the words "aeroplane, motor vehicle" after the word "embankment" in the fourth line, so that the subsection will now read as follows:

Power of
coroner to
take charge
of wreckage.

- (1) Where a coroner has ordered an inquest upon the body of a person who has met death by violence in the wreck of a building, bridge, structure, embankment, aeroplane, motor vehicle or railway train, the coroner may take charge of all wreckage and place a constable or constables in charge thereof so as to prevent persons from disturbing such wreckage until the jury at the inquest has viewed the same, or the coroner, where there is no jury, has made such examination as he deems necessary.

Rev. Stat.
c. 123, s. 12,
amended.

- (2) The said section 12 is amended by adding thereto the following subsection:

interfering
with
wreckage.

- (4) Where a death has occurred in the wreck of a building, bridge, structure, embankment, aeroplane, motor vehicle or railway train every person who, except for the purpose of saving life or relieving human suffering, without authority from the coroner, interferes with, destroys or carries away, or alters the position of such wreckage or any part thereof, or anything in

Section 6. The amendment is in order to make the mileage rate uniform throughout the Act. In the present section 10 the rate is 20 cts. per mile while elsewhere it is 15 cts.

Section 7.—(1) The amendment is intended to provide for taking charge of the wreckage of "an aeroplane" or "motor vehicle" which are not included in the present section, so that the evidence may be preserved until the coroner has had an opportunity of inspecting the wreck.

(2) The subsection added is intended to penalize persons who, except for the purpose of saving life or relieving human suffering, destroy the evidence by interfering with, destroying or carrying away the wreckage. This happened last year when persons made away with the evidence by setting fire to an aeroplane which had crashed resulting in the death of the pilot.

any way connected therewith, shall incur a penalty of not less than \$25 nor more than \$100, and where it appears that the offence was committed wilfully and with the intention of making away with or destroying evidence, the person committing such offence shall be liable to imprisonment for a period not exceeding six months.

Rev. Stat.
c. 123,
amended.

8. *The Coroners Act* is amended by adding thereto the following section:

Fees for
special
services.

16a.—(1) The coroner may grant to any person who attends and gives evidence at his instance, such sum in addition to ordinary witness fees as he may deem reasonable and sufficient to compensate the witness for preparing a plan, furnishing any article or doing any work for use at the inquest, for his costs and charges in preparing such plan, furnishing such article or doing such work, and upon the fiat of the Attorney-General may direct the payment of a special fee to an expert witness.

How costs
etc. to be
borne and
paid.

(2) Such costs and expenses or special fee shall be borne and paid in the same manner as the other expenses of holding an inquest.

Rev. Stat.
c. 123, s. 19,
subs. 1,
amended.

9.—(1) Subsection 1 of section 19 of *The Coroners Act* is amended by adding at the end thereof the words "in addition to the medical practitioner making the *post mortem* examination," so that the subsection will now read as follows:

Calling
medical
attendant
of deceased.

(1) The coroner may issue his warrant for the attendance before him or at the inquest of the legally qualified medical practitioner, if any, who attended the deceased at his death, or during his last illness, or of any other legally qualified medical practitioner, in or near the place where the death occurred, but he shall not without the consent of the Crown Attorney, order the attendance of more than one medical practitioner in addition to the medical practitioner making the *post mortem* examination.

Rev. Stat.
c. 123, s. 19,
subs. 2,
amended.

(2) Subsection 2 of the said section 19 is amended by striking out the words "twenty cents" in the third line and inserting in lieu thereof the words "fifteen cents."

Rev. Stat.
c. 123, s. 24,
subs. 1,
amended.

10. Subsection 1 of section 24 of *The Coroners Act* is amended by striking out the words "ten cents" in the fifth and sixth lines and inserting in lieu thereof the words "fifteen cents."

Section 8. The section added is intended to give the coroner similar powers to those which a judge now has in criminal cases of paying special witness fees where plans of buildings, models or other similar matters have been prepared for use at the inquest and also to enable him to direct the payment of a special fee for expert testimony where the Attorney General issues a fiat for that purpose.

Section 9.—(1) The present subsection 1 of section 19 gives the coroner power to call before him or at the inquest the medical practitioner who attended the deceased, or any other legally qualified medical practitioner in or near the place where the death occurred. By the proposed amendment he may, without the consent of the Crown Attorney, order the attendance of a legally qualified medical practitioner in addition to the medical practitioner making the *post mortem* examination.

(2) The amendment is to make uniform the mileage rate allowed in the case of a medical witness.

Section 10. By the present subsection the mileage rate to jurors is 10 cents. The proposed change to 15 cents is in order to make the mileage rate uniform throughout the Act.

Rev. Stat.
c. 123, s. 25,
amended.

11. Section 25 of *The Coroners Act* is amended by striking out the words "in writing" in the third line, and by adding at the end of the said section the words "but where the consent of the Crown Attorney is given verbally he shall as soon as convenient confirm the same in writing to the coroner," so that the section will now read as follows:

Viewing
of body may
be dispensed
with.

25. It shall not be necessary for a jury to view the body upon which an inquest is being held when the coroner, with the consent of the Crown Attorney, directs that the viewing of the body shall be dispensed with but where the consent of the Crown Attorney is given verbally he shall as soon as convenient confirm the same in writing to the coroner.

Rev. Stat.,
c. 123,
amended.

12. *The Coroners Act* is amended by adding thereto the following section:

Seal not
necessary.

48. In all proceedings under this Act it shall not be necessary for any coroner or other person to attach or affix any seal to any inquisition, document or process, and no inquisition, document or process shall be invalidated by reason of the lack of a seal even though the inquisition, document or process purports to be sealed.

Rev. Stat.
c. 123,
sched. "A."
item d,
repealed.

13. Item *d* in schedule "A" to *The Coroners Act* is repealed and the following substituted therefor:

(d) Necessary travel, per mile.....	\$.15
When by railway, per mile.....	.10

Commence-
ment of Act.

14. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 11. Under the present section 25 it is not necessary for a jury to view the body when the coroner, with the consent *in writing* of the Crown Attorney, directs that the viewing of the body is to be dispensed with. The omission of the words "in writing" allows this consent to be given by telephone and other more direct methods with provision for later confirmation.

Section 12. This dispenses with the affixing of a seal to documents by coroners.

Section 13. This decreases the mileage rate from 20 cents to 15 cents in order to make the mileage rate uniform.

BILL

An Act to amend The Coroners Act.

1st Reading

March 25th, 1931

2nd Reading

3rd Reading

MR. PRICE

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Coroners Act.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 162

1931

BILL

An Act to amend The Coroners Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title

1. This Act may be cited as *The Coroners Act, 1931*.

Rev. Stat.
c. 123, s. 2,
amended.

2. Section 2 of *The Coroners Act* is amended by adding thereto the following subsection:

Supervising
coroner,—
appoint-
ment of.

(1a) The Lieutenant-Governor in Council may appoint a coroner who shall have jurisdiction throughout the Province and shall act in an advisory capacity to coroners generally and shall have such powers and perform such duties with respect to the office of coroner throughout the Province as the Lieutenant-Governor in Council may prescribe.

Rev. Stat.
c. 123,
amended.

3. *The Coroners Act* is amended by adding thereto the following section:

Travelling
expenses,
postage,
forms, etc.

4a. In addition to the fees provided for by this Act, all reasonable and necessary travelling and other expenses incurred by the coroner and the cost of supplying the coroner's office with necessary postage, forms and stationery, shall be payable by the municipal corporation.

Rev. Stat.
c. 123, s. 6,
subs. 1,
amended.

4.—(1) Subsection 1 of section 6 of *The Coroners Act* is amended by striking out the words "the coroner" in the eighth line and inserting in lieu thereof the words "a coroner."

Rev. Stat.
c. 123, s. 6,
subs. 4,
amended.

(2) Subsection 4 of the said section 6 is amended by striking out the words "an expert" in the second line and inserting in lieu thereof the word "experts."

Rev. Stat.
c. 123, s. 8,
repealed.

5. Section 8 of *The Coroners Act* is repealed and the following substituted therefor:

8. Where the death is believed to be the result of violence, ^{Death due to events occurring beyond jurisdiction.} misadventure or other matters occurring at a place beyond the jurisdiction of the coroner, he shall issue his warrant to take possession of the body as provided in section 6, and shall view the body and make such further inquiry as may be required to satisfy himself whether or not an inquest is necessary and if he finds that an inquest is necessary he may, with the consent of the Crown Attorney, at any time during the course of the proceedings transfer the inquest to the coroner having jurisdiction at such place and the inquest shall be conducted by such coroner as though the death had taken place in his jurisdiction and he had issued the warrant; but the coroner issuing the warrant may take evidence to prove the fact of death, the identity of the body and the *post mortem* examination of the body, and such evidence shall be transmitted to and received by the coroner holding the inquest as part of the proceedings before him.

6. Section 10 of *The Coroners Act* is amended by striking ^{Rev. Stat. c. 123, s. 10, amended.} out the words "twenty cents" in the third line and inserting in lieu thereof the words "fifteen cents."

7.—(1) Subsection 1 of section 12 of *The Coroners Act* is ^{Rev. Stat. c. 123, s. 12, subs. 1, amended.} amended by inserting the words "aeroplane, motor vehicle, boat, machine, apparatus," after the word "embankment" in the fourth line, so that the subsection will now read as follows:

- (1) Where a coroner has ordered an inquest upon the ^{Power of coroner to take charge of wreckage.} body of a person who has met death by violence in the wreck of a building, bridge, structure, embankment, aeroplane, motor vehicle, boat, machine, apparatus or railway train, the coroner may take charge of all wreckage and place a constable or constables in charge thereof so as to prevent persons from disturbing such wreckage until the jury at the inquest has viewed the same, or the coroner, where there is no jury, has made such examination as he deems necessary.

(2) The said section 12 is amended by adding thereto the ^{Rev. Stat. c. 123, s. 12, amended.} following subsection:

- (4) Where a death has occurred in the wreck of a building, ^{interfering with wreckage.} bridge, structure, embankment, aeroplane, motor vehicle, boat, machine, apparatus or railway train every person who, except for the purpose of saving life or relieving human suffering, without authority

from the coroner, interferes with, destroys or carries away, or alters the position of such wreckage or any part thereof, or anything in any way connected therewith, shall incur a penalty of not less than \$25 nor more than \$100, and where it appears that the offence was committed wilfully and with the intention of making away with or destroying evidence, the person committing such offence shall be liable to imprisonment for a period not exceeding six months.

Rev. Stat.
c. 123,
amended.

8. *The Coroners Act* is amended by adding thereto the following section:

Fees for
special
services.

16a.—(1) The coroner may grant to any person who attends and gives evidence at his instance, such sum in addition to ordinary witness fees as he may deem reasonable and sufficient to compensate the witness for preparing a plan, furnishing any article or doing any work for use at the inquest, for his costs and charges in preparing such plan, furnishing such article or doing such work, and upon the fiat of the Attorney-General may direct the payment of a special fee to an expert witness.

How costs
etc. to be
borne and
paid.

(2) Such costs and expenses or special fee shall be borne and paid in the same manner as the other expenses of holding an inquest.

Rev. Stat.
c. 123, s. 19,
subs. 1,
amended.

9.—(1) Subsection 1 of section 19 of *The Coroners Act* is amended by adding at the end thereof the words “in addition to the medical practitioner making the *post mortem* examination,” so that the subsection will now read as follows:

Calling
medical
attendant
of deceased

(1) The coroner may issue his warrant for the attendance before him or at the inquest of the legally qualified medical practitioner, if any, who attended the deceased at his death, or during his last illness, or of any other legally qualified medical practitioner, in or near the place where the death occurred, but he shall not without the consent of the Crown Attorney, order the attendance of more than one medical practitioner in addition to the medical practitioner making the *post mortem* examination.

Rev. Stat.
c. 123, s. 19,
subs. 2,
amended.

(2) Subsection 2 of the said section 19 is amended by striking out the words “twenty cents” in the third line and inserting in lieu thereof the words “fifteen cents.”

Rev. Stat.
c. 123, s. 24,
subs. 1,
amended.

10. Subsection 1 of section 24 of *The Coroners Act* is amended by striking out the words “ten cents” in the fifth and sixth lines and inserting in lieu thereof the words “fifteen cents.”

11. Section 25 of *The Coroners Act* is amended by striking out the words "in writing" in the third line, and by adding at the end of the said section the words "but where the consent of the Crown Attorney is given verbally he shall as soon as convenient confirm the same in writing to the coroner," so that the section will now read as follows:

Rev. Stat.
c. 123, s. 25,
amended.

25. It shall not be necessary for a jury to view the body upon which an inquest is being held when the coroner, with the consent of the Crown Attorney, directs that the viewing of the body shall be dispensed with but where the consent of the Crown Attorney is given verbally he shall as soon as convenient confirm the same in writing to the coroner.

Viewing
of body may
be dispensed
with.

12. *The Coroners Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 123,
amended.

46. In all proceedings under this Act it shall not be necessary for any coroner or other person to attach or affix any seal to any inquisition, document or process, and no inquisition, document or process shall be invalidated by reason of the lack of a seal even though the inquisition, document or process purports to be sealed.

Seal not
necessary.

13. Item *d* in schedule "A" to *The Coroners Act* is repealed and the following substituted therefor:

Rev. Stat.
c. 123,
sched. "A."
item d,
repealed.

(d) Necessary travel, per mile.....\$.15
When by railway, per mile..... .10

14. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

BILL

An Act to amend The Coroners Act.

1st Reading

March 25th, 1931

2nd Reading

March 27th, 1931

3rd Reading

April 1st, 1931

MR. PRICE

No. 163

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Security Frauds Prevention Act, 1930

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
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No. 163

1931

BILL

An Act to amend The Security Frauds Prevention Act, 1930.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Security Frauds Prevention Act, 1931*.

1930, c. 39,
s. 2,
amended.

2.—(1) Section 2 of *The Security Frauds Prevention Act* is amended by adding thereto the following clause:

"Board."

(aa) "Board" shall mean such board, commission or body of persons, or such person as may be appointed or designated by the Lieutenant-Governor in Council to administer this Act.

1930, c. 39,
s. 2, clause e,
repealed.

(2) The clause lettered *e* in the said section 2 is repealed and the following substituted therefor:

"Registrar."

(e) "Registrar" shall mean the person appointed by the Lieutenant-Governor in Council to act as Registrar of the Board under the provisions of this Act and the regulations.

1930, c. 39,
amended.

3. *The Security Frauds Prevention Act* is further amended by adding thereto the following section to precede Part I:

"Board."

2a.—(1) The Lieutenant-Governor in Council from time to time, by regulation or otherwise may

(a) appoint, establish or designate any board, commission or body of persons or any person as a Board to administer this Act;

(b) provide for the appointment of the members, officers and employees of the Board;

EXPLANATORY NOTES

Section 2.—(1) "Board" is defined, enabling the administration of the Act to be assigned to any person, or to any commission now in existence or to be formed.

(2) "Registrar" is redefined to harmonize with the other amendments.

Section 3. A new section is added enabling a new Board to be appointed or an existing Board to be designated to administer the Act. The Lieutenant-Governor in Council is clothed with other appropriate powers. The Board is enabled to review all registrations.

(c) prescribe powers and duties for any of them on the Board, and

(d) approve the salaries of such members, officers and employees as fixed by the Board.

To assume
duties on
proclama-
tion.

- (2) The Board shall have and assume all powers conferred upon the Attorney General by the said Act, and regulations, which shall thereafter be read accordingly, *mutatis mutandis*, and the Board shall assume and continue the entire administration of the said Act and all proceedings pending thereunder on a day to be named by the Lieutenant-Governor by his proclamation, whereupon all registrations shall be reduced to temporary registrations and subject to review by the Board.

Court
action in
name of
Attorney-
General.

- (3) Where the Board is a Court of record or is a member of another Board which is a court of record, proceedings under subsection 4 of section 8 and under section 12 shall be instituted in the name of the Attorney General.

Expenses.

- (4) In the absence of any special appropriation of the Legislature available for the purposes of this Act all moneys necessary to meet the salaries and expenses necessarily incurred in the administration of this Act shall be paid out of the Consolidated Revenue Fund.

1930, c. 39,
s. 3, subs. 1,
clause b,
amended.

4.—(1) Clause *b* of subsection 1 of section 3 of *The Security Frauds Prevention Act* is amended by adding at the end thereof the word "or".

1930, c. 39,
s. 3,
amended.

(2) Section 3 of *The Security Frauds Prevention Act* is amended by adding thereto the following subsection:

New
officials
must be
approved.

- (3) No person who becomes a member or official of a partnership or an official of a company, after the partnership or company has been registered under subsection 2 shall trade in securities as such until the partnership or company has received from the Registrar written permission for such person so to trade.

1930, c. 39,
s. 14, subs. 1,
amended.

5. Subsection 1 of section 14 of *The Security Frauds Prevention Act* is amended by striking out the words "and the broker shall be guilty of an offence" in the last two lines.

1930, c. 39,
s. 15,
amended.

6. Section 15 of *The Security Frauds Prevention Act* is amended by adding thereto the following subsections:

Should the Board designated be one that is a court of record under any other statute it would not do to have it apply for an injunction to another court, so in such a case the application is to be made in the name of the Attorney General. The same applies to the initiation of bankruptcy proceedings, etc.

Provision is here made for payment of the expenses of the Board.

Section 4. This amendment is to clarify section 3 of the Act, owing to difficulties encountered in a recent prosecution.

Section 5. These words are already impliedly repealed by section 231A of The Criminal Code.

Section 6. This amendment is to make it clear that brokers must obtain specific contracts from their customers before making use of their stock, and enables the Board to control contracts which are unreasonable.

Contracts
on con-
firmations
void.

- (2) No conditions of trading or form of contract inserted in written confirmations of transactions shall be binding upon any customer.

Contracts
with
customers
to be in
writing.

- (3) No contract between a broker and his customer relating to the rights of a broker in respect of any security,

(a) deposited by the customer for safekeeping, or

(b) deposited by the customer as collateral to secure his account, or

(c) purchased or otherwise acquired by the broker for the purpose of being carried upon margin for the customer,

shall be binding upon the customer,

(i) unless it is in writing and signed by the customer, or

(ii) in respect of any right thereby conferred upon the broker, where the Board by notice in writing to every stock exchange operating in Ontario has declared such right to be unreasonable.

May be
declared
unreason-
able by
Board.

1930, c. 39,
s. 25,
repealed.

7. Section 25 of *The Security Frauds Prevention Act* is repealed and the following substituted therefor:

Change of
accounting
system or
business
connection.

25. Any executive committee may in writing, require any person or company whose affairs have been audited or are being audited to alter, supplement or replace any system of book or record keeping or the course or method of handling securities, borrowing moneys or generally conducting business, in any manner or to alter or dispense with any financial arrangement or business association or affiliation, direct or indirect, of which the executive committee disapproves, and to comply with any recommendation made by the exchange auditor and any requirement of such executive committee.

1930, c. 39,
s. 31,
amended.

8. Section 31 of *The Security Frauds Prevention Act* is amended by inserting at the commencement thereof the following words "The Board, subject to the approval of."

Section 7. This amendment is made to give the exchanges greater power over their members by enabling the exchanges to control business methods and associations. The portions added are underlined.

Section 8 enables the Board to make its own regulations, subject to the approval of the Lieutenant-Governor in Council.

1930, c. 39,
s. 32, subs. 4,
amended.

9. Subsection 4 of section 32 of *The Security Frauds Prevention Act* is amended by adding thereto the following words "or of the Crown Attorney of the County or District in which the offence took place."

1930, c. 39,
s. 36,
repealed.

10. Section 36 of *The Security Frauds Prevention Act* is repealed and the following substituted therefor:

Expenses.
Rev. Stat.,
c. 25.

36. Section 17 of *The Audit Act* shall apply *mutatis mutandis* as if the provisions thereof, except the references to the Deputy Attorney General were enacted in and formed part of this Act.

Commence-
ment of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 9. This enables the Crown Attorney as well as the Board to authorize a prosecution under the Act, and is intended to save time where salesmen are operating without registration.

Section 10. This is a redraft of the previous section made applicable to the administration by the Board.

Section 11. Commencement of Act.

BILL
An Act to amend The Security Frauds
Prevention Act, 1930.

1st Reading

March 25th, 1931

2nd Reading

3rd Reading

MR. PRICE

No. 163

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Security Frauds Prevention Act, 1930

MR. PRICE

No. 163

1931

BILL

An Act to amend The Security Frauds Prevention Act, 1930.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Security Frauds Prevention Act, 1931*.

1930, c. 39,
s. 2,
amended. **2.**—(1) Section 2 of *The Security Frauds Prevention Act* is amended by adding thereto the following clause:

"Board." (aa) "Board" shall mean such board, commission or body of persons, or such person as may be appointed or designated by the Lieutenant-Governor in Council to administer this Act.

1930, c. 39,
s. 2, clause e,
repealed. (2) The clause lettered *e* in the said section 2 is repealed and the following substituted therefor:

"Registrar." (e) "Registrar" shall mean the person appointed by the Lieutenant-Governor in Council to act as Registrar of the Board under the provisions of this Act and the regulations.

1930, c. 39,
amended. **3.** *The Security Frauds Prevention Act* is further amended by adding thereto the following section to precede Part I:

"Board." **2a.**—(1) The Lieutenant-Governor in Council from time to time, by regulation or otherwise may

(a) appoint, establish or designate any board, commission or body of persons or any person as a Board to administer this Act;

(b) provide for the appointment of the members, officers and employees of the Board;

(c) prescribe powers and duties for any of them on the Board, and

(d) approve the salaries of such members, officers and employees as fixed by the Board.

(2) The Board shall have and assume all powers conferred upon the Attorney General by the said Act, and regulations, which shall thereafter be read accordingly, *mutatis mutandis*, and the Board shall assume and continue the entire administration of the said Act and all proceedings pending thereunder on a day to be named by the Lieutenant-Governor by his proclamation, whereupon all registrations shall be reduced to temporary registrations and subject to review by the Board.

To assume duties on proclamation.

(3) Where the Board is a Court of record or is a member of another Board which is a court of record, proceedings under subsection 4 of section 8 and under section 12 shall be instituted in the name of the Attorney General.

Court action in name of Attorney-General.

(4) In the absence of any special appropriation of the Legislature available for the purposes of this Act all moneys necessary to meet the salaries and expenses necessarily incurred in the administration of this Act shall be paid out of the Consolidated Revenue Fund.

Expenses.

4.—(1) Clause *b* of subsection 1 of section 3 of *The Security Frauds Prevention Act* is amended by adding at the end thereof the word “or”.

1930, c. 39, s. 3, subs. 1, clause b, amended.

(2) Section 3 of *The Security Frauds Prevention Act* is amended by adding thereto the following subsection:

1930, c. 39, s. 3, amended.

(3) No person who becomes a member or official of a partnership or an official of a company, after the partnership or company has been registered under subsection 2 shall trade in securities as such until the partnership or company has received from the Registrar written permission for such person so to trade.

New officials must be approved.

5. Subsection 1 of section 14 of *The Security Frauds Prevention Act* is amended by striking out the words “and the broker shall be guilty of an offence” in the last two lines.

1930, c. 39, s. 14, subs. 1, amended.

6. Section 15 of *The Security Frauds Prevention Act* is amended by adding thereto the following subsection:

1930, c. 39, s. 15, amended.

Terms of contracts may be declared unreasonable.

- (2) No term in a contract between a broker who acts as an agent and any customer relating to any right of the broker in respect of any security shall be binding upon the customer where the Board by notice in writing sent by registered mail to the broker and to every stock exchange operating in Ontario has declared such right to be unreasonable.

1930, c. 39, s. 25, repealed.

7. Section 25 of *The Security Frauds Prevention Act* is repealed and the following substituted therefor:

Change of accounting system or business connection.

25. Any executive committee may in writing, require any person or company whose affairs have been audited or are being audited to alter, supplement or replace any system of book or record keeping or the course or method of handling securities, borrowing moneys or generally conducting business, in any manner or to alter or dispense with any financial arrangement or business association or affiliation, direct or indirect, of which the executive committee disapproves, and to comply with any recommendation made by the exchange auditor and any requirement of such executive committee.

1930, c. 39, s. 31, amended.

8. Section 31 of *The Security Frauds Prevention Act* is amended by inserting at the commencement thereof the following words "The Board, subject to the approval of."

1930, c. 39, s. 32, subs. 4, amended.

9. Subsection 4 of section 32 of *The Security Frauds Prevention Act* is amended by adding thereto the following words "or of the Crown Attorney of the County or District in which the offence took place."

1930, c. 39, s. 36, repealed.

10. Section 36 of *The Security Frauds Prevention Act* is repealed and the following substituted therefor:

Expenses, Rev. Stat., c. 25.

36. Section 17 of *The Audit Act* shall apply *mutatis mutandis* as if the provisions thereof, except the references to the Deputy Attorney General were enacted in and formed part of this Act.

Commencement of Act.

11. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

BILL
An Act to amend The Security Frauds
Prevention Act, 1930.

1st Reading

March 25th, 1931

2nd Reading

March 30th, 1931

3rd Reading

April 1st, 1931

MR. PRICE

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Children's Protection Act.

MR. MARTIN (Brantford)

BILL

An Act to amend The Children's Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Children's Protection Amendment Act, 1931*.

Rev. Stat.
c. 279, s. 1,
clause *e*,
repealed. **2.**—(1) Clause *e* of section 1 of *The Children's Protection Act* is repealed and the following substituted therefor:

"Minister." (e) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act.

Rev. Stat.
c. 279, s. 1,
clause *f*,
repealed. (2) Clause *f* of said section 1 is repealed and the following substituted therefor:

"Municipality." (f) "Municipality" shall mean a county, city or separated town, except that in a territorial district it shall mean a city, town, village or township.

Rev. Stat.
c. 279, s. 32,
amended. **3.** Section 32 of *The Children's Protection Act* is amended by adding thereto the following subsection:

Mode of incorporation and model constitution, etc. (2) The Lieutenant-Governor in Council may make regulations respecting the mode of incorporation of children's aid societies and the fees, if any, to be paid on incorporation, and may for such societies prescribe a model or standard form of constitution and by-laws with power to approve any variations therefrom as the circumstances applicable in respect to any such society may seem to warrant.

Commencement of Act. **4.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

Section 2. Definitions of Minister and Municipality altered to conform with standard practice adopted in institutional legislation at this Session.

Section 3. This amendment is to simplify and standardize incorporation of Children's Aid Societies.

BILL

An Act to amend The Children's
Protection Act.

1st Reading

March 25th, 1931

2nd Reading

3rd Reading

MR. MARTIN (Branford)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Children's Protection Act.

MR. MARTIN (Brantford)

No. 164

1931

BILL

An Act to amend The Children's Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Children's Protection Amendment Act, 1931*.

Rev. Stat.
c. 279, s. 1,
clause *e*,
repealed.

2.—(1) Clause *e* of section 1 of *The Children's Protection Act* is repealed and the following substituted therefor:

"Minister."

(*e*) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act.

Rev. Stat.
c. 279, s. 1,
clause *f*,
repealed.

(2) Clause *f* of said section 1 is repealed and the following substituted therefor:

"Municipality."

(*f*) "Municipality" shall mean a county, city or separated town, except that in a territorial district it shall mean a city, town, village or township.

Rev. Stat.
c. 279, s. 32,
amended.

3. Section 32 of *The Children's Protection Act* is amended by adding thereto the following subsection:

Mode of
incorpora-
tion and
model con-
stitution,
etc.

(2) The Lieutenant-Governor in Council may make regulations respecting the mode of incorporation of children's aid societies and the fees, if any, to be paid on incorporation, and may for such societies prescribe a model or standard form of constitution and by-laws with power to approve any variations therefrom as the circumstances applicable in respect to any such society may seem to warrant.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Children's
Protection Act.

1st Reading

March 25th, 1931

2nd Reading

March 27th, 1931

3rd Reading

April 1st, 1931

MR. MARTIN (Brantford)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The District Houses of Refuge Act.

MR. MARTIN (Brantford)

No. 165

1931

BILL

An Act to amend The District Houses of Refuge Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The District Houses of Refuge Amendment Act, 1931*.

Rev. Stat.
c. 349, s. 4,
amended. **2.** Section 4 of *The District Houses of Refuge Act* is amended by striking out the words "Provincial Secretary" in the second line and inserting in lieu thereof the words "Minister of Public Welfare."

Rev. Stat.
c. 349,
amended. **3.** Wherever in *The District Houses of Refuge Act* reference is made to the inspector or inspectors of prisons and public charities the said Act shall be construed and deemed to refer to an inspector appointed under *The Department of Public Welfare Act, 1931*.

Rev. Stat.
c. 349, s. 13,
amended. **4.** Section 13 of the said Act is amended by striking out the words "*The Hospitals and Charitable Institutions Act*" and inserting in lieu thereof the words "*The Charitable Institutions Act, 1931*."

Rev. Stat.
c. 349,
amended. **5.** *The District Houses of Refuge Act* is amended by adding thereto the following section:

Liability
for indigent
inmates
from muni-
cipalities
in other
districts.

13a.—(1) Where an inmate in a district house of refuge was at the time of his admission a resident in a municipality in a territorial district other than the one for which the house of refuge is established, such municipality shall if the inmate is an indigent person be liable to pay to the board for the maintenance of such inmate at the rate of ninety cents per day for every day in which he is an inmate in the house of refuge.

EXPLANATORY NOTES

Sections 2, 3 and 4. These amendments are necessary by reason of the transfer of administration over District Houses of Refuge from the Provincial Secretary to the Minister of Public Welfare.

Section 5. The object of this amendment is to protect a territorial district which has established a House of Refuge against the expense of maintaining indigent inmates who reside in outside municipalities.

Meaning of
Resident."

- (2) For the purposes of this section an inmate shall be deemed to be a resident in a municipality if he actually resided therein for three months out of the five months next preceding admission to the house of refuge.

Commence-
ment of Act.

- 6.** This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The District Houses
of Refuge Act.

1st Reading

March 25th, 1931

2nd Reading

3rd Reading

MR. MARTIN (Brantford)

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The District Houses of Refuge Act.

MR. MARTIN (Brantford)

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 165

1931

BILL

An Act to amend The District Houses of Refuge Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The District Houses of Refuge Amendment Act, 1931*.

Rev. Stat.
c. 349, s. 4,
amended. **2.** Section 4 of *The District Houses of Refuge Act* is amended by striking out the words "Provincial Secretary" in the second line and inserting in lieu thereof the words "Minister of Public Welfare."

Rev. Stat.
c. 349,
amended. **3.** Wherever in *The District Houses of Refuge Act* reference is made to the inspector or inspectors of prisons and public charities the said Act shall be construed and deemed to refer to an inspector appointed under *The Department of Public Welfare Act, 1931*.

Rev. Stat.
c. 349, s. 13,
amended. **4.** Section 13 of the said Act is amended by striking out the words "*The Hospitals and Charitable Institutions Act*" and inserting in lieu thereof the words "*The Charitable Institutions Act, 1931*."

Rev. Stat.
c. 349,
amended. **5.** *The District Houses of Refuge Act* is amended by adding thereto the following section:

Liability
for indigent
inmates
from muni-
cipalities
in other
districts.

13a.—(1) Where an inmate in a district house of refuge was at the time of his admission a resident in a municipality in a territorial district other than the one for which the house of refuge is established, such municipality shall if the inmate is an indigent person be liable to pay to the board for the maintenance of such inmate at the rate of ninety cents per day for every day in which he is an inmate in the house of refuge.

- (2) For the purposes of this section an inmate shall be deemed to be a resident in a municipality if he actually resided therein for three months out of the five months next preceding admission to the house of refuge.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The District Houses
of Refuge Act.

1st Reading

March 25th, 1931

2nd Reading

March 27th, 1931

3rd Reading

April 1st, 1931

MR. MARTIN (Brantford)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Industrial Schools Act.

Mr. MARTIN (Brantford)

BILL

An Act to amend The Industrial Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Industrial Schools Act, 1931*.

Rev. Stat.,
c. 329, s. 1,
cl. f,
repealed. **2.**—(1) The clause lettered *f* in section 1 of *The Industrial Schools Act* is repealed and the following substituted therefor:

"Minister." (f) "Minister" shall mean that member of the Executive Council to whom for the time being the administration of this Act is assigned.

Rev. Stat.,
c. 329, s. 1,
amended. (2) The said section 1 is further amended by adding thereto the following clauses:

"Regulations." (i) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act;

"Advisory Board." (j) "Advisory Board" shall mean The Industrial Schools Advisory Board appointed under this Act.

Rev. Stat.,
c. 329, s. 2,
subs. 2,
repealed. **3.** Subsection 2 of section 2 of *The Industrial Schools Act* is repealed and the following substituted therefor:

(2) (a) An industrial school shall not be erected or acquired until the site and plans of the buildings have been approved in writing by the Minister, and no change in the site and no sale or disposal of any portion thereof, and no structural alteration in the building shall be made until the like approval has been given.

(b) The Board shall submit all rules, regulations and policies of training to the Minister for approval.

EXPLANATORY NOTES

Section 2.—(1) In the present section "Minister" is interpreted to mean "The Provincial Secretary of Ontario or other member of the Executive Council charged by the Lieutenant-Governor in Council with the administration of this Act."

(2) Interpretation of "regulations" and "Advisory Board."

Section 3. The present Act permits a society to erect a school and pass laws before seeking the approval of the Minister. The intention of the change is to control the type of construction and also to determine the rules, regulations, policies and method of instruction.

Rev. Stat.,
c. 329, s. 12,
repealed.

4. Section 12 of *The Industrial Schools Act* is repealed and the following substituted therefor:

Children
committed
to industrial
school may
be sent to
training
school.

12. Whenever a child may be sent to an industrial school such child may, with the approval of the Minister, be sent to a training school established under *The Ontario Training Schools Act, 1931*.

Rev. Stat.,
c. 329, s. 13,
repealed.

5. Section 13 of *The Industrial Schools Act* is repealed.

Rev. Stat.,
c. 329, s. 14,
amended.

6. Section 14 of *The Industrial Schools Act* is amended by striking out the word "inspector" in the first line and inserting in lieu thereof the words "Advisory Board," so that the section will now read as follows:

Religious
persuasion of
offenders.

14. The judge or Advisory Board shall endeavour to ascertain the religious persuasion to which the child belongs, and shall as far as practicable send a Roman Catholic child to a Roman Catholic industrial school and a child of any other religious persuasion to a school established by and with the sanction of a board of public school trustees.

Rev. Stat.,
c. 329, s. 17,
subs. 1,
amended.

7. Subsection 1 of section 17 of *The Industrial Schools Act* is amended by striking out the words "or inspector" in the first line and inserting in lieu thereof the words "or Minister," so that the subsection will now read as follows:

Particulars
to be set out
in order.

(1) The judge or Minister shall in his order designate the school to which the child is to be sent and the person in whose custody he is to be conveyed to the school, and shall where practicable state the name, age and parentage of the child, his religious persuasion and the municipality liable for his maintenance.

Rev. Stat.,
c. 329, s. 18,
repealed.

8. Section 18 of *The Industrial Schools Act* is repealed and the following substituted therefor:

18. The judge shall deliver to the person having the execution of the order the depositions taken by him or a certified copy thereof which depositions or copy shall be delivered to the general superintendent or officer receiving the child into the industrial school, which depositions shall be placed at the disposal of the Advisory Board.

Rev. Stat.,
c. 329, s. 19,
subss. 1, 2,
repealed.

9.—(1) Subsections 1 and 2 of section 19 of *The Industrial Schools Act* are repealed.

Section 4. The present section provides that wherever a child may be sent to an industrial school he may be sent to any other institution approved by the Lieutenant-Governor in Council under the provisions of *The Boys' Welfare Home and School Act*. This Act is being repealed and *The Ontario Training Schools Act, 1931*, will take its place.

Section 5. The section repealed provides that the inspector may direct that a child who has been placed in a foster home be sent to an industrial school. The authority of the inspector is transferred to the Minister.

Section 6. This substitutes "Advisory Board" for "inspector."

Section 7. This substitutes "Minister" for "inspector."

Section 8. One of the duties of the Advisory Board will be to determine what school is suitable for the child. It will be necessary for it to have at its disposal copies of the commitment orders and depositions so that it may determine what shall be the proper method of treating the delinquent child.

Section 9. (1) The subsection (1) repealed provides that within three years from the date of the order the child shall be given into the custody of his parents, apprenticed or placed in a foster home. Subsection (2) provides for the return of the child to the industrial school if the inspector deems the return in the interest of the child.

Rev. Stat.,
c. 329, s. 19,
subs. 3,
amended.

(2) Subsection 3 of the said section 19 is amended by striking out the word "inspector" in the fourth line and inserting in lieu thereof the word "regulations," so that the subsection will now read as follows:

Supervision
after leaving
school.

- (3) An industrial school board shall exercise and maintain supervision over every child committed to its guardianship after leaving the school, and shall keep such records and provide for such visits as may be prescribed by the regulations.

Rev. Stat.,
c. 329, s. 20,
amended.

10. Section 20 of *The Industrial Schools Act* is amended by adding at the end thereof the words "or until the Advisory Board otherwise provides that the guardianship of the industrial school shall cease and determine," so that the section will now read as follows:

Persons
committed
to remain
under
guardianship
until 21
years old.

20. Subject to the provisions of section 22 every child committed to an industrial school shall remain under the guardianship of the industrial school board, and it shall possess and exercise all the rights and powers of a parent in regard to such child until he shall attain the age of twenty-one years or until the advisory board otherwise provides that the guardianship of the industrial school shall cease and determine.

Rev. Stat.,
c. 329, s. 21,
repealed.

11. Section 21 of *The Industrial Schools Act* is repealed.

Rev. Stat.,
c. 329, s. 22,
repealed.

12. Section 22 of *The Industrial Schools Act* is repealed and the following substituted therefor:

22. The Minister may, at any time, order that a child be transferred from one industrial school to another or to any school approved of under *The Ontario Training Schools Act, 1931*, or to any foster home, or may order that a child be discharged from an industrial school either absolutely or on such conditions as he may think fit and the child shall be transferred or discharged accordingly; or may direct that a child who has been placed in a foster home under the provisions of *The Children's Protection Act*, or who has been placed in a training school under the provisions of *The Ontario Training Schools Act, 1931*, shall be sent to an industrial school.

Rev. Stat.,
c. 329, s. 24,
repealed.

13. Section 24 of *The Industrial Schools Act* is repealed and the following substituted therefor:

Children
placed out
to remain
under
control of
advisory
board.

24. The Advisory Board may permit a child sent to the industrial school to live at a foster home or at the dwelling of any trustworthy and respectable person

Section 9. — (2) This authority, previously vested in the inspector, is transferred to the Minister who may make regulations with the approval of the Lieutenant-Governor in Council.

Section 10. Previously there was no provision for the return of the child to his parents or guardians before the age of twenty-one years. The amendment makes it possible for the Minister, upon the recommendation of the Advisory Board, to terminate the guardianship of the industrial school.

Section 11. The section repealed sets out the duties of the inspector. The duties defined in this section are included in the duties of the Advisory Board as contained in the new section 37 provided for in section 17 of the Bill.

Section 12. The new section is changed in order to make it concur with the new *Training Schools Act* and to transfer to the Minister the responsibility previously given to the inspector under section 13 of the Act (repealed by section 5 of the Bill) and to widen the Minister's powers.

Section 13. The new section substitutes "Advisory Board" for "industrial school board" and provides that the local superintendent of the Children's Aid Society shall approve of the foster home or dwelling.

approved of by the local superintendent of the Children's Aid Society, but the control of the industrial school board shall not thereby be abated or diminished nor the liability of any municipality for the maintenance of such child altered except as directed by the Advisory Board.

Rev. Stat.,
c. 329, s. 25,
amended.

14. Section 25 of *The Industrial Schools Act* is amended by striking out the words "industrial school board" in the second line and inserting in lieu thereof the words "Advisory Board," so that the section will now read as follows:

What shall
be deemed
escape from
school.

25. If the child leaves the person with whom he is placed without the permission of the Advisory Board, or refuses to return to the school he shall be deemed to have escaped from the school.

Rev. Stat.,
c. 329, s. 27,
repealed.

15. Section 27 of *The Industrial Schools Act* is repealed and the following substituted therefor:

Mainten-
ance.

27. Where the maintenance of a child is not otherwise fully provided for, the municipality in which the child resided for a period of three months within the five months next prior to his admission to the school, shall pay the sum of fifty cents per day towards the expense of maintenance.

Rev. Stat.,
c. 329, s. 30,
amended.

16. Section 30 of *The Industrial Schools Act* is amended by striking out the word "inspector" in the fourth line and inserting in lieu thereof the word "Minister," so that the section will now read as follows:

Rules of
I.S. Board.

30. Every industrial school board may make rules for the management and discipline of the industrial school established by it, but such rules shall not take effect until approved in writing by the Minister.

Rev. Stat.,
c. 329,
amended.

17. *The Industrial Schools Act* is amended by adding thereto the following sections:

Advisory
Board.

35.—(1) For the purpose of this Act there shall be established an advisory board of three members which shall be known as The Industrial Schools Advisory Board.

Appoint-
ment.

(2) The members of the Advisory Board shall be appointed by the Lieutenant-Governor in Council with the powers and for the purposes herein prescribed.

Term
of office.

(3) The members shall be appointed for a period of two years.

Section 14. As all paroles will rest with the Advisory Board the termination of parole should also rest with that body.

Section 15. It is sometimes difficult to determine the municipality in which a delinquent child has resided for one year previous to being sentenced. The proposed section brings this Act in line with the residence sections in all other Acts and will assist in determining the child's domicile.

Section 16. The amendment brings this section in line with clause (b) of subsection 2 of section 2 provided for in section 3 of the Bill.

Section 17. The new section 35 provides for the appointment of the Advisory Board, section 36 provides for the making of regulations by the said Board, section 37 sets out the duties of the Board and section 38 provides for a proper system of accounting and records.

Chairman,
Secretary.

- (4) The Lieutenant-Governor in Council may, from time to time, appoint one of the members of the Advisory Board to be the chairman thereof and another member of the Board to be the secretary thereof.

May be re-
appointed.

- (5) Members of the Advisory Board shall be eligible for reappointment.

Allowances
for expenses.

- (6) The members of the Advisory Board shall serve without remuneration except that the Lieutenant-Governor in Council may fix a per diem allowance to be payable to each member for attendance at the meetings of the Board and every member shall be entitled to his reasonable and necessary travelling expenses as certified by the chairman for attendance at such meetings and in the transaction of the business of the Board.

Regulations.

- 36.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Advisory Board may make regulations,—

- (a) defining the duties, powers and responsibilities of the Advisory Board;
- (b) defining the type of courses, vocational, academic and physical, to be provided by the industrial schools and setting the standard for instruction.

Duties
of Advisory
Board.

- 37.—(1) It shall be the duty of the Advisory Board,—

- (a) to receive a copy of the commitment order of every child sent to an industrial school;
- (b) to obtain a report of his previous record, previous social history, school standing, mental intelligence, physical condition and religious denomination;
- (c) to designate the industrial or other school in which the child is to be placed for training after commitment and the type of instruction suited to the mental intelligence of the child;
- (d) to make recommendations pertaining to his parole and define the conditions under which he may receive parole;

- (e) to give the child over to the custody of his or her parents, or apprentice or place out in a foster home as soon as practicable after commitment, or cause the child to be returned to the school if deemed necessary.

Regulations
by Council.

38. The Lieutenant-Governor in Council upon the recommendation of the Minister, may make such regulations in respect to industrial schools as may be deemed necessary for,—

- (a) the records, books, accounting systems, audits, reports and returns to be made and kept by industrial schools.
- (b) the better carrying out of the provisions of this Act.

Commence-
ment of Act.

18. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Industrial Schools
Act.

1st Reading

March 25th, 1931

2nd Reading

3rd Reading

MR. MARTIN (Brantford)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Industrial Schools Act.

MR. MARTIN (Brantford)

BILL

An Act to amend The Industrial Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Industrial Schools Act, 1931*.

Rev. Stat.,
c. 329, s. 1,
cl. f,
repealed.

2.—(1) The clause lettered *f* in section 1 of *The Industrial Schools Act* is repealed and the following substituted therefor:

"Minister."

(f) "Minister" shall mean that member of the Executive Council to whom for the time being the administration of this Act is assigned.

Rev. Stat.,
c. 329, s. 1,
amended.

(2) The said section 1 is further amended by adding thereto the following clauses:

"Regulations."

(i) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act;

"Advisory Board."

(j) "Advisory Board" shall mean The Industrial Schools Advisory Board appointed under this Act.

Rev. Stat.,
c. 329, s. 2,
subs. 2,
repealed.

3. Subsection 2 of section 2 of *The Industrial Schools Act* is repealed and the following substituted therefor:

(2) (a) An industrial school shall not be erected or acquired until the site and plans of the buildings have been approved in writing by the Minister, and no change in the site and no sale or disposal of any portion thereof, and no structural alteration in the building shall be made until the like approval has been given.

(b) The Board shall submit all rules, regulations and policies of training to the Minister for approval.

4. Section 12 of *The Industrial Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 329, s. 12, repealed.

12. Whenever a child may be sent to an industrial school such child may, with the approval of the Minister, be sent to a training school established under *The Ontario Training Schools Act, 1931*. Children committed to industrial school may be sent to training school.

5. Section 13 of *The Industrial Schools Act* is repealed. Rev. Stat., c. 329, s. 13, repealed.

6. Section 14 of *The Industrial Schools Act* is amended by striking out the word "inspector" in the first line and inserting in lieu thereof the words "Advisory Board," so that the section will now read as follows: Rev. Stat., c. 329, s. 14, amended.

14. The judge or Advisory Board shall endeavour to ascertain the religious persuasion to which the child belongs, and shall as far as practicable send a Roman Catholic child to a Roman Catholic industrial school and a child of any other religious persuasion to a school established by and with the sanction of a board of public school trustees. Religious persuasion of offenders.

7. Subsection 1 of section 17 of *The Industrial Schools Act* is amended by striking out the words "or inspector" in the first line and inserting in lieu thereof the words "or Minister," so that the subsection will now read as follows: Rev. Stat., c. 329, s. 17, subs. 1, amended.

- (1) The judge or Minister shall in his order designate the school to which the child is to be sent and the person in whose custody he is to be conveyed to the school, and shall where practicable state the name, age and parentage of the child, his religious persuasion and the municipality liable for his maintenance. Particulars to be set out in order.

8. Section 18 of *The Industrial Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 329, s. 18, repealed.

18. The judge shall deliver to the person having the execution of the order the depositions taken by him or a certified copy thereof which depositions or copy shall be delivered to the general superintendent or officer receiving the child into the industrial school, which depositions shall be placed at the disposal of the Advisory Board.

9.—(1) Subsections 1 and 2 of section 19 of *The Industrial Schools Act* are repealed. Rev. Stat., c. 329, s. 19, subss. 1, 2, repealed.

Rev. Stat.,
c. 329, s. 19,
subs. 3,
amended.

(2) Subsection 3 of the said section 19 is amended by striking out the word "inspector" in the fourth line and inserting in lieu thereof the word "regulations," so that the subsection will now read as follows:

Supervision
after leaving
school.

- (3) An industrial school board shall exercise and maintain supervision over every child committed to its guardianship after leaving the school, and shall keep such records and provide for such visits as may be prescribed by the regulations.

Rev. Stat.,
c. 329, s. 20,
amended.

10. Section 20 of *The Industrial Schools Act* is amended by adding at the end thereof the words "or until the Advisory Board otherwise provides that the guardianship of the industrial school shall cease and determine," so that the section will now read as follows:

Persons
committed
to remain
under
guardianship
until 21
years old.

20. Subject to the provisions of section 22 every child committed to an industrial school shall remain under the guardianship of the industrial school board, and it shall possess and exercise all the rights and powers of a parent in regard to such child until he shall attain the age of twenty-one years or until the advisory board otherwise provides that the guardianship of the industrial school shall cease and determine.

Rev. Stat.,
c. 329, s. 21,
repealed.

- 11.** Section 21 of *The Industrial Schools Act* is repealed.

Rev. Stat.,
c. 329, s. 22,
repealed.

- 12.** Section 22 of *The Industrial Schools Act* is repealed and the following substituted therefor:

22. The Minister may, at any time, order that a child be transferred from one industrial school to another or to any school approved of under *The Ontario Training Schools Act, 1931*, or to any foster home, or may order that a child be discharged from an industrial school either absolutely or on such conditions as he may think fit and the child shall be transferred or discharged accordingly; or may direct that a child who has been placed in a foster home under the provisions of *The Children's Protection Act*, or who has been placed in a training school under the provisions of *The Ontario Training Schools Act, 1931*, shall be sent to an industrial school.

Rev. Stat.,
c. 329, s. 24,
repealed.

- 13.** Section 24 of *The Industrial Schools Act* is repealed and the following substituted therefor:

Children
placed out
to remain
under
control of
advisory
board.

24. The Advisory Board may permit a child sent to the industrial school to live at a foster home or at the dwelling of any trustworthy and respectable person

approved of by the local superintendent of the Children's Aid Society, but the control of the industrial school board shall not thereby be abated or diminished nor the liability of any municipality for the maintenance of such child altered except as directed by the Advisory Board.

14. Section 25 of *The Industrial Schools Act* is amended by striking out the words "industrial school board" in the second line and inserting in lieu thereof the words "Advisory Board," so that the section will now read as follows: Rev. Stat., c. 329, s. 25, amended.

25. If the child leaves the person with whom he is placed without the permission of the Advisory Board, or refuses to return to the school he shall be deemed to have escaped from the school. What shall be deemed escape from school.

15. Section 27 of *The Industrial Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 329, s. 27, repealed.

27.—(1) Where the maintenance of a child is not otherwise fully provided for, the municipality in which the child resided for a period of three months within the five months next prior to his admission to the school, shall pay the sum of fifty cents per day towards the expense of maintenance. Maintenance.

(2) Upon payment by a municipality to an industrial school of any account for maintenance of a boy or girl by reason of such boy or girl having been assumed to be a resident in such municipality, and it being ascertained that such boy or girl was not resident therein at the time of commitment to the industrial school was a resident in another municipality in Ontario, the municipality which made such payment may recover the amount thereto as a debt from the municipality in which such boy or girl was resident.

16. Section 30 of *The Industrial Schools Act* is amended by striking out the word "inspector" in the fourth line and inserting in lieu thereof the word "Minister," so that the section will now read as follows: Rev. Stat., c. 329, s. 30, amended.

30. Every industrial school board may make rules for the management and discipline of the industrial school established by it, but such rules shall not take effect until approved in writing by the Minister. Rules of I.S. Board.

17. *The Industrial Schools Act* is amended by adding thereto the following sections: Rev. Stat., c. 329, amended.

- Advisory Board.
- 35.—(1) For the purpose of this Act there shall be established an advisory board of three members which shall be known as The Industrial Schools Advisory Board.
- Appointment.
- (2) The members of the Advisory Board shall be appointed by the Lieutenant-Governor in Council with the powers and for the purposes herein prescribed.
- Term of office.
- (3) The members shall be appointed for a period of two years.
- Chairman, Secretary.
- (4) The Lieutenant-Governor in Council may, from time to time, appoint one of the members of the Advisory Board to be the chairman thereof and another member of the Board to be the secretary thereof.
- May be re-appointed.
- (5) Members of the Advisory Board shall be eligible for reappointment.
- Allowances for expenses.
- (6) The members of the Advisory Board shall serve without remuneration except that the Lieutenant-Governor in Council may fix a per diem allowance to be payable to each member for attendance at the meetings of the Board and every member shall be entitled to his reasonable and necessary travelling expenses as certified by the chairman for attendance at such meetings and in the transaction of the business of the Board.
- Regulations.
- 36.—Subject to the approval of the Lieutenant-Governor in Council, the Advisory Board may make regulations,—
- (a) defining the duties, powers and responsibilities of the Advisory Board;
 - (b) defining the type of courses, vocational, academic and physical, to be provided by the industrial schools and setting the standard for instruction.
- Duties of Advisory Board.
- 37.—It shall be the duty of the Advisory Board,—
- (a) to receive a copy of the commitment order of every child sent to an industrial school;
 - (b) to obtain a report of his previous record, previous social history, school standing,

mental intelligence, physical condition and religious denomination;

- (c) to designate the industrial or other school in which the child is to be placed for training after commitment and the type of instruction suited to the mental intelligence of the child;
- (d) to make recommendations pertaining to his parole and define the conditions under which he may receive parole;
- (e) to give the child over to the custody of his or her parents, or apprentice or place out in a foster home as soon as practicable after commitment, or cause the child to be returned to the school if deemed necessary.

38. The Lieutenant-Governor in Council upon the recommendation of the Minister, may make such regulations in respect to industrial schools as may be deemed necessary for,— Regulations by Council.

- (a) the records, books, accounting systems, audits, reports and returns to be made and kept by industrial schools.
- (b) the better carrying out of the provisions of this Act.

18. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

An Act to amend The Industrial Schools
Act.

1st Reading

March 25th, 1931

2nd Reading

March 26th, 1931

3rd Reading

March 31st, 1931

MR. MARTIN (Brantford)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Houses of Refuge Act.

MR. MARTIN (Brantford)

No. 167

1931

BILL

An Act to amend The Houses of Refuge Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title. **1.** This Act may be cited as *The Houses of Refuge Amendment Act, 1931*.
- Rev. Stat.
c. 348,
amended. **2.** Wherever in *The Houses of Refuge Act* reference is made to the inspector or inspectors of prisons and public charities the said Act shall be construed and be deemed to refer to an inspector appointed under *The Department of Public Welfare Act, 1931*.
- Rev. Stat.
c. 348, s. 17,
amended. **3.** Section 17 of *The Houses of Refuge Act* is amended by striking out the words "Provincial Secretary" in the fourth and fifth lines and inserting in lieu thereof the words "Minister of Public Welfare."
- Commence-
ment of Act. **4.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

The amendments contained in this Bill are necessary by reason of the transfer of administration over Houses of Refuge from the Provincial Secretary to the Minister of Public Welfare.

BILL

An Act to amend The Houses of
Refuge Act.

1st Reading

March 25th, 1931

2nd Reading

3rd Reading

MR. MARTIN (Brantford)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Houses of Refuge Act.

MR. MARTIN (Brantford)

No. 167

1931

BILL

An Act to amend The Houses of Refuge Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

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Rev. Stat.
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c. 348, s. 17,
amended.

3. Section 17 of *The Houses of Refuge Act* is amended by striking out the words "Provincial Secretary" in the fourth and fifth lines and inserting in lieu thereof the words "Minister of Public Welfare."

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Houses of
Refuge Act.

1st Reading

March 25th, 1931

2nd Reading

March 27th, 1931

3rd Reading

April 1st, 1931

Mr. MARTIN (Brantford)

No. 168

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting Sanatoria for Consumptives.

MR. ROBB

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Sanatoria for Consumptives.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I.

INTERPRETATION, ETC.

Short title. **1.** This Act may be cited as *The Sanatoria for Consumptives Act, 1931*.

Interpreta-
tion. **2.** In this Act,—

"Associa-
tion." (a) "Association" shall mean and include any associa-
tion, body or organization howsoever incorporated,
authorized or empowered for the purpose of estab-
lishing, maintaining or operating a sanatorium;

"Board." (b) "Board" shall mean a board of trustees, directors,
commission or other governing body or authority
of a sanatorium;

"Depen-
dant." (c) "Dependant" shall mean and include a patient for
the charges for whose treatment some other person
is liable in law;

"Depart-
ment." (d) "Department" shall mean the Department of
Health for Ontario;

"Inspector." (e) "Inspector" shall mean an officer of the Department
designated under this Act as an inspector;

"Minister." (f) "Minister" shall mean the member of the Executive
Council charged for the time being with the
administration of this Act;

"Muni-
cipality." (g) "Municipality" shall mean a city, separated town
or county, except that in a territorial district it
shall mean a city, town, village or township;

"Patient." (h) "Patient" shall mean a person admitted to a sana-
torium for the purpose of treatment;

EXPLANATORY NOTES

General Note.—With the general transfer of hospitals and sanatoria to the Ministry of Health and to bring into effect some systematic and uniform control over sanatoria for consumptives, it is desirable to revise the present Act (R.S.O. 1927, chapter 337) in the same way as is being done in respect to public hospitals, and comparison of this Bill with Bill No. 114 (Public Hospitals) will disclose that so far as applicable or comparable the scheme adopted is the same.

Section 2. Contains interpretation clauses which are sufficiently self-explanatory. Attention is directed to the fact that these definitions correspond with those in Bill No. 114.

- "Preventorium." (i) "Preventorium" shall mean a sanatorium for treatment of patients who may not be infected with tuberculosis but who are suspected as being infected with or are considered likely to become infected with tuberculosis or who has been exposed to infection from tuberculosis;
- "Provincial aid." (j) "Provincial aid" shall mean aid granted to a sanatorium out of moneys appropriated for the purpose by the Legislature;
- "Regulations." (k) "Regulations" shall mean regulations made under this Act;
- "Resident." (l) "Resident" shall mean a person who has actually resided in a municipality for the period of three months within the five months next prior to admission to a sanatorium;
- "Sanatorium." (m) "Sanatorium" shall mean and include any sanatorium, preventorium, institution, building or other premises or place, howsoever created, established or incorporated for the treatment of patients;
- "Superintendent." (n) "Superintendent" shall mean the person who has for the time being the direct and actual superintendence and charge of a sanatorium;
- "Territorial district." (o) "Territorial district" shall mean any of the territorial districts set forth in *The Territorial Division Act*;
- "Treatment." (p) "Treatment" shall mean and include the stay, maintenance, observation, care, nursing and treatment, preventive or otherwise, of a patient who is infected or suspected of being infected or who is considered likely to become infected with tuberculosis, or who has been exposed to infection from tuberculosis.
- "Unorganized territory." (q) "Unorganized territory" shall mean that part of a territorial district which is without municipal organization.

PART II.

DEPARTMENTAL CONTROL.

Sanatoria
aided in
1930
approved.

3.—(1) The several institutions with their respective properties and appurtenances which under *The Sanatoria for Consumptives Act* received aid for the year 1930 from the Province of Ontario shall for the purposes of this Act be deemed to be sanatoria, as if the same has been approved under this Act.

Sections 3 to 7. Correspond with sections in Bill No. 114 to give adequate departmental control and to provide for regulations so that gradually a uniform system may be evolved.

New
sanatoria
to be
approved.

(2) No institution, building or other premises or place shall hereafter be created, established, incorporated, operated or used as a sanatorium until the same has been approved by the Lieutenant-Governor in Council.

Suspension
or
revocation
of approval.

(3) Any approval given or deemed to have been given under this Act in respect of any sanatorium may be suspended by the Minister or revoked by the Lieutenant-Governor in Council.

Regulations
for
sanatoria.

4. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make such regulations with respect to sanatoria as may be deemed necessary for,—

Creation,
construction,
etc.

(a) their creation, establishment, construction, alteration, equipment, maintenance and repair;

Classification,
etc.

(b) their classification, grades and standards;

Inspection,
operation,
etc.

(c) their inspection, control, government, management, conduct, operation and use;

Staffs, etc.

(d) their inspectors, superintendents, staffs, officers, servants and employees and the powers and duties thereof;

Patients,
etc.

(e) the admission, treatment, conduct and discharge of patients;

Rates, etc.

(f) the classification, length of stay, rates and charges of and for patients;

Accounting,
etc.

(g) the records, books, accounting system, reports and returns to be made and kept by sanatoria;

Provincial
aid.

(h) the distribution, payment, withholding and restoration of and other matters affecting provincial aid; and

General.

(i) all other matters affecting sanatoria.

Enforcement
of Act.

5. It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act, and the regulations. And the Department may, from time to time, declare all or any of the regulations to be in force with respect to all sanatoria or any specified sanatorium or sanatoria for such time or times as the Department may deem expedient.

Inspectors.

6. The Minister, with the approval of the Lieutenant-Governor in Council may designate one or more officers of

the Department to be inspectors for the purposes of this Act and the regulations, and the powers and duties of such inspectors shall be prescribed by the regulations.

Powers of
sanatorium.

7. Every sanatorium approved or deemed to be approved under this Act may be carried on under the powers and authorities conferred by any general or special Act under which it was created, established, incorporated or empowered, but where the provisions of any general or special Act heretofore passed conflict with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail.

PART III.

MUNICIPAL SANATORIA.

Establish-
ment of
municipal
sanatorium.

8. Subject to the provisions of this Act, any municipal corporation, including a county, or, jointly, any two or more such municipal corporations, may establish a sanatorium, and may for that purpose acquire land and erect and equip buildings thereon and do such other things as may be necessary or incidental to the establishment, completion, maintenance and operation of a sanatorium, and the carrying out of the provisions of this Act and the regulations.

Provisional
agreement
for joint
sanatorium.

9. When two or more municipal corporations propose jointly to establish a sanatorium the councils of such corporations shall provisionally agree upon the proposal, respecting the same.

Submission
of proposals
to Depart-
ment.

10. Any municipal corporation or corporations which propose to establish a sanatorium shall submit the proposals to the Department and therewith shall also submit such provisional by-laws, agreements, plans, estimates and other material and information as may be required by the regulations.

Site in
another
municipal-
ity.

11. If the site for a proposed sanatorium is situate elsewhere in Ontario than in the municipality or in one of the municipalities, the corporation of which is proposing or is a party to proposing its establishment, the Department shall, upon the proposals being submitted to it, notify in writing the head of the municipality in which the site is situate of the proposals made, and the council of such municipality, shall within one month after receipt of such notice, state in writing to the Department, the objections, if any, to which it may have to the establishment of a sanatorium on such site, but no such objection shall necessarily prevent approval being given hereunder.

Sections 8 to 20. These sections correspond very largely with sections 2 to 13 of the present Act respecting the establishment of Municipal Sanatoria with only some amendments or variations as are deemed desirable to clarify and improve procedure for establishment.

Attention is directed to sections 13 and 16 which specify that the original undertaking and any subsequent improvements of a Sanatorium which involves debenture issues must be assented to by the electors, except in the case of a county sanatorium in respect to which section 14 the assent of the electors is dispensed with if the project receives a two-thirds vote of the entire county council. This provision is the same as that of *The Highway Improvement Act* respecting county roads systems.

Approval by
Order-in-
Council.

12. The Minister shall submit the proposals, with any report thereon which he may see fit to make, to the Lieutenant-Governor in Council, and upon the same being approved, either as submitted or as modified or altered in any way by the Lieutenant-Governor in Council, such approval shall, subject as hereinafter provided, be sufficient authority for the municipal corporation or corporations to establish a sanatorium in accordance therewith.

Procedure
for estab-
lishment,
by-laws, etc.

13. When by approval of the Lieutenant-Governor in Council a municipal corporation is, or, jointly, two or more municipal corporations are authorized to establish a sanatorium, the council or councils of such corporation or corporations, as the case may be, may with the assent of the electors of such municipality or municipalities qualified to vote on money by-laws, pass all by-laws necessary to establish, erect, complete and equip the sanatorium and to issue debentures to pay for the cost thereof and where, jointly, two or more municipal corporations are establishing the sanatorium to enter into an agreement respecting the same according to form approved by the Lieutenant-Governor in Council.

County
sanatorium.

14. Where the municipal corporation authorized by the approval of the Lieutenant-Governor in Council, either alone or jointly with another municipal corporation, to establish a sanatorium is a county, it shall not be necessary that any by-laws passed by the council of such county, under section 13, shall be assented to by the electors qualified to vote on money by-laws if such by-laws are passed with the vote of two-thirds of all the members of the county council.

Rev. Stat.,
c. 233, to
apply.

15. Subject as otherwise herein provided, the provisions of *The Municipal Act* shall apply to all by-laws passed and to all debentures issued by a municipal corporation under this Act.

Improve-
ments for
sanatorium.

16. When it is proposed by a municipal corporation, which has or by two or more municipal corporations which, jointly, have established a sanatorium, to make any extensions, additions, or structural alterations or improvements to such sanatorium, or to erect any new buildings in connection therewith, the powers and proceedings with respect to such proposals and obtaining approval thereof, and to the passing of by-laws, issue of debentures and entering into of agreements, shall be the same as for the establishment of a sanatorium.

Board of
manage-
ment.

17. When a municipal corporation has, or, jointly, two or more municipal corporations have established a sanatorium the management and control over the same, and its erection,

equipment, maintenance, operation, use and affairs generally shall be vested in a board composed of not less than five trustees to be appointed by by-law of the establishing municipal corporation or in case of the establishment of a sanatorium, jointly, by two or more municipal corporations, in accordance with the provisions of the agreement entered into respecting the same.

Trustees.

18. The qualifications of the trustees forming the board, their term of office, which shall not exceed five years, the quorum of their meetings and the manner of appointment of successors and of filling vacancies in the office of trustees shall be provided for in such by-law or agreement; and the trustees appointed shall hold office until their successors are appointed.

Corporate body.

19. The Board of trustees of a sanatorium shall be a corporation under such name as may be designated in the approval given by the Lieutenant-Governor in Council for its establishment.

Chairman.

20. The board shall of its members elect yearly one of them to be its chairman to hold office for one year, or until his successor is appointed; and a vice-chairman may also be similarly elected.

Agreements with associations.

21. With the approval of the Lieutenant-Governor in Council, an association which has authority to establish, maintain and operate a sanatorium may enter into an agreement with one or more municipal corporations, including a county or counties, respecting the establishment of such sanatorium or with respect to providing in whole or in part the cost of erecting, equipping, improving, enlarging, extending or altering a sanatorium established by the association, but no by-law of a municipal corporation for the purpose of providing any such cost, by the issue of debentures or otherwise, shall be passed otherwise than in accordance with the provisions of sections 13 or 14 in respect to by-laws passed thereunder.

PART V.

ALL SANATORIA

Application of part.

22. The provisions of this Part shall apply to all sanatoria whether established by municipal corporations or associations.

Powers of Board.

23. Subject as in this Act and the regulations provided, or in any agreement entered into under the provisions of this Act stipulated, it shall be the duty of the board of a sanatorium, and it shall have power to govern, manage and

Section 21. Is somewhat similar to section 21 of the present Act, except that it is specifically stated that debenture issues must be authorized by the electors.

Part V of the Act contains provisions many of which are in the same form as in Bill No. 114.

control its affairs, and its maintenance, operations and use, and the admission, treatment, conduct, discipline and discharge of patients therein, and for such purposes the board may pass by-laws, rules and regulations, but no such by-law, rule or regulation shall have force or effect until the same is approved by the Lieutenant-Governor in council.

Appoint-
ment of staff.

24. Subject to the regulations, the board may appoint such superintendents, officers, staffs, employees, and servants of a sanatorium as from time to time may be necessary and fix their salaries and prescribe their powers and duties.

Powers of
expropria-
tion.

25. With the approval of the Lieutenant-Governor in Council, the board may pass by-laws for expropriating any land adjacent to or in the vicinity of a sanatorium, which may be deemed requisite for or advantageous to its purposes, and in that behalf may exercise the powers of expropriation conferred on a municipality under *The Municipal Act*, the provisions of which relating thereto shall, *mutatis mutandis*, apply to and govern the exercise of such powers so far as the same are applicable or necessary thereto, and the superintendent in such case shall exercise the powers and perform the duties which under the said Act are to be exercised and performed by the clerk of the municipality; provided, however, that the board of a sanatorium which has been established by a municipal corporation or corporations, shall not exercise any such power of expropriation without the consent first obtained of the council or councils of such corporation or corporations.

Rev. Stat.,
c. 233.

Exemption
from
taxation.

26. The real property acquired and used for the purpose of and in connection with a sanatorium shall be exempt from all municipal or other taxation, including taxation for school purposes, except and excluding however, any municipal tax or rate imposed in respect to any public utility supplied to a sanatorium.

Sale, etc.,
to be
approved.

27. No part of any property acquired or used for the purposes of a sanatorium shall be sold, leased, mortgaged, or otherwise disposed of without the approval of the Lieutenant-Governor in Council.

Protection
from
adverse
expropria-
tion.

28. No part of any property acquired or used for the purposes of a sanatorium shall be expropriated by any corporation or person having powers of expropriation under any Act, without the approval of the Lieutenant-Governor in Council.

Saving as to
highway
widening.

29. Nothing in sections 27 and 28 contained, shall apply to or prevent the sale, disposition or expropriation of any part of the property acquired or used for the purposes of a

Section 26. Is to grant tax exemption to Sanatoria. This is necessary as *The Assessment Act* is silent thereon. See section 19 of present Act.

Sections 27 and 28. Are new and are designed to insure continuance of Sanatoria when once established and to prevent their disintegration by sale, expropriation, etc. A saving clause as to lands being taken for highway widening is to be found in section 29.

sanatorium if the same is required in the widening of any highway, if the Minister has first approved thereof.

Donations.

30. The board may accept from any person donations of property, real or personal, and whether by will or otherwise, for the endowment, use or benefit of a sanatorium and subject to the terms of the donation may apply the same for such purposes.

Approval
for closing
sanatorium.

31. No sanatorium which has been approved and established may permanently be closed without the approval of the Lieutenant-Governor in Council, and when any sanatorium is closed or proposed to be closed permanently, the Lieutenant-Governor in Council may make such provision for the sale or other disposition of the sanatorium and all the properties and assets thereof, and for the application of any proceeds of such sale or disposition and otherwise in every respect, as he may deem proper.

Medical
students'
clinics.

32. Subject to the provisions of any existing agreement relating thereto, every sanatorium receiving provincial aid shall provide such reasonable facilities for giving instructions to medical students of any university as may be required by the regulations.

Sanatorium
to admit
patients.

33. Except as may otherwise be provided in this Act, no sanatorium receiving provincial aid shall refuse to admit as a patient any person who is in need of treatment.

Admissions
to preven-
torium.

34. A preventorium, however, shall not be required to admit as a patient any person who is actually infected with tuberculosis.

Admissions
to associa-
tion sana-
torium.

35. Except as may otherwise be provided in this Act or in the agreement, no sanatorium established by an association which has entered into an agreement with a municipal corporation under this Act shall refuse to admit as a patient any indigent person or dependant of an indigent person resident in such municipality and requiring treatment.

Refusal of
communic-
able disease
cases.

36. Nothing in this Act contained shall require that any sanatorium admit or retain as a patient any person suffering from a communicable disease which under *The Public Health Act* or regulations made hereunder requires quarantine and placarding.

Refusal of
non-
residents.

37. Nothing in this Act contained shall unless by refusal of admission, life would thereby be endangered, require that any sanatorium admit as a patient any person who is not a resident or a dependant of a resident in Ontario.

PART VI.

MUNICIPAL LIABILITY.

Municipal
liability for
indigent
patients.

38.—(1) Subject as in this Act may otherwise be provided, when any patient in a sanatorium is an indigent person or a dependant of an indigent person, that municipality in which such person was a resident at the time of admission shall be liable to the sanatorium for payment of the charges for treatment of such patient at a rate not exceeding \$1.50 per day.

Relief of
certain
municipalities.

(2) Where in the opinion of the Minister liability under this section would in any year unduly burden any municipality in a territorial district, other than a city, the Lieutenant-Governor in Council upon the recommendation of the Minister may make special grants by way of provincial aid to relieve in whole or in part such municipality from the burden.

Liability for
non-
residents
may be
assumed.

39. A municipality may pay to a sanatorium the charges for treatment of a patient notwithstanding that such patient was not a resident in such municipality at the time of admission to such sanatorium.

Burial
expenses.

40.—(1) In the event of the death in a sanatorium of any patient who is an indigent person or a dependant of an indigent person, that municipality in which such indigent person was a resident at the time of admission shall pay to the sanatorium any expenses of burial which it may incur, but not exceeding \$30.

Contribu-
tion to Last
Post Fund.

(2) If such deceased patient was a member of His Majesty's military or naval forces in active service during the Great War, 1914–1918, and the burial was provided by and paid for from the Last Post Fund, the said municipality shall pay the expenses of such burial, but not exceeding the sum of \$30 to the Last Post Fund upon proof of such burial and demand for payment made by a properly accredited officer of the said fund.

Notice of
admission
to municipi-
ality.

41. Upon admission or after admission to a sanatorium of any patient who is or is represented to be or becomes an indigent person or the dependant of an indigent person, the superintendent shall by registered letter notify the clerk of the municipality in which such indigent person is or is represented to be a resident, of such admission, giving such particulars as may be ascertainable to enable the clerk to identify the indigent person.

Part VI. Contains provisions as to municipal liability for indigents, the present per diem rate of \$1.50 not being disturbed and the residence rule of three months out of five now being made applicable beyond doubt, in reference to Sanatoria.

The provisions as to notices, payment, recourse, etc., are as in Bill No. 114.

Notice
disputing
liability.

42. Unless the clerk of a municipality within fifteen days after the date of mailing any such notice to him, shall by registered letter notify the superintendent from whom such notice was received that the patient referred to therein was not a resident in the municipality at the time of admission as a patient or is not an indigent person or a dependant of an indigent person, such municipality shall be liable for the charges for treatment of such patient as provided in this Act.

Information
to be
furnished.

43. The clerk of a municipality when notifying a superintendent that a patient is not a resident in the municipality or is not an indigent person or a dependant of an indigent person, shall furnish such information as he may have ascertained with respect to such patient.

Cases where
residence
not
presumed.

44. For the purpose of this Act, no patient shall be deemed to be a resident in a municipality,—

Persons
seeking
medical aid.

(a) by reason of having gone to the municipality for the purpose of seeking medical advice or treatment or seeking admission or treatment in a sanatorium in such municipality; or

Health
seekers in
the districts.

(b) if the municipality is in a territorial district, and such patient being infected or likely or suspected of being infected with tuberculosis has gone to such municipality principally for the purpose of health and within one year after going to such municipality is admitted a patient in a sanatorium; but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to a municipality in a territorial district; or

Pupils.

(c) if such patient has been living in the municipality by reason of being a pupil in any school, college, university, or other seminary of learning therein and at the time he became such a pupil was not a resident therein; but in such cases the patient shall for the purposes of this Act, be deemed to be a resident in that municipality in which he was a resident at the time he became such a pupil; or

Institu-
tional
inmates.

(d) by reason of having been a patient or an inmate of a hospital, sanatorium, house of refuge, orphanage, children's shelter or child welfare institution, gaol, reformatory, prison or other public institution in the municipality and otherwise was not a resident therein; but in such cases the patient shall for the purposes of this Act be deemed to be a resident in that municipality in which he was a resident at the time he became such an inmate or patient.

County's
right to
contribu-
tion.

45. The corporation of a county shall have the right to recover not exceeding one-half of the charges paid by it in respect to treatment, in a sanatorium of any patient, for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which such patient was a resident at the time of admission.

Residence of
dependant.

46. A dependant of an indigent person shall for the purposes of this Act be deemed to be a resident in that municipality in which such indigent person is resident.

Statements
of account
to be
rendered.

47. When under this Act the charges for treatment of any patient or for burial expenses of a deceased patient are payable by a municipality the sanatorium to which such patient was admitted shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction.

Municipal
recourse
against
patient.

48. Upon payment by a municipality of any account rendered to it by a sanatorium for treatment of a patient or on payment by it of any expenses of burial of a deceased patient, such municipality may recover from the patient, or, in the event of his decease, from his estate or personal representatives, or, in the case of a dependant, from any person liable in law, in respect to such dependant, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction.

Municipal
recourse
against
proper muni-
cipality.

49. Upon payment by a municipality to a sanatorium of any account for treatment of a patient or upon payment of any expense of burial of a deceased patient by reason of such patient having been assumed to be a resident in such municipality and it being ascertained that such patient was not a resident therein but at the time of admission to the sanatorium was a resident in another municipality in Ontario, the municipality which made the said payment may recover the amount thereof as a debt from the municipality in which such patient was a resident and upon payment by that municipality it shall be entitled to exercise the rights of recovery conferred under section 48.

Workmen's
Compensa-
tion Board
cases.

50. Nothing in this Act contained shall render a municipality liable for payment of the charges for treatment of a patient where such charges are payable by the Workmen's Compensation Board or an employer under *The Workmen's Compensation Act*.

PART VII.

PROVINCIAL AID.

Provincial
aid.

51.—(1) Subject to the provisions of this Act and of the regulations, provincial aid shall be distributed and may be paid out of any moneys appropriated for such purpose by the Legislature,—

Initial
indigent rate
of aid.

(a) for treatment of every patient who is an indigent person or the dependant of an indigent person, at the rate of seventy-five cents per day for every day that such patient is receiving treatment in a sanatorium;

Indigent
rate of aid
for unorgan-
ized
territory.

(b) for treatment of every patient who is an indigent person or the dependant of an indigent person and who has actually resided in unorganized territory for the period of three months within the five months next prior to admission to a sanatorium at the rate of \$2.25 per day for every day that such patient is receiving treatment in the sanatorium.

(2) In calculating the amount of provincial aid the day of departure of a patient shall not be included.

Limitation
as to
patients
subject
of aid.

(3) Except as otherwise provided in this Act, no provincial aid shall be granted to any sanatorium in respect of a patient therein, if the charges received by the sanatorium in respect to such patient exceed \$1.50 per day from all sources other than provincial aid.

No aid while
approval
revoked, etc.

52. No provincial aid shall be granted to any sanatorium the approval of which has been revoked or suspended, or to any sanatorium which does not comply with the provisions of this Act, and the regulations.

Restoration
of Provincial
aid.

53. When from any cause provincial aid to any sanatorium has not been granted or the grant thereof has been withdrawn or withheld, the Lieutenant-Governor in Council may upon the recommendation of the Minister direct that such aid be granted or restored in whole or in part, but not until the approval of such sanatorium has been revived or until compliance with the provisions of this Act or the regulations is made, as the case may be.

Part VII. Continues provincial aid at the present rate of seventy-five cents per day for unlimited days' stay, and the contribution of \$2.25 per day for indigent patients for unorganized territory is also put beyond doubt.

PART VIII.

GENERAL.

Penalty. **54.** Any person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations shall incur a penalty of not less than \$5 and not exceeding \$500 recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 121.

Repeal. **55.** *The Sanatoria for Consumptives Act*, being chapter 357 of the Revised Statutes of 1927, is repealed.

Commence-
ment of Act. **56.** This Act shall come into force on the 1st day of October, 1931.

BILL

An Act respecting Sanatoria for
Consumptives

1st Reading

March 25th, 1931

2nd Reading

3rd Reading

Mr. ROBB

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting Sanatoria for Consumptives.

MR. ROBB

No. 168

1931

BILL

An Act respecting Sanatoria for Consumptives.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I.

INTERPRETATION, ETC.

Short title. **1.** This Act may be cited as *The Sanatoria for Consumptives Act, 1931*.

Interpreta-
tion. **2.** In this Act,—

"Associa-
tion." (a) "Association" shall mean and include any associa-
tion, body or organization howsoever incorporated,
authorized or empowered for the purpose of estab-
lishing, maintaining or operating a sanatorium;

"Board." (b) "Board" shall mean a board of trustees, directors,
commission or other governing body or authority
of a sanatorium;

"Depen-
dant." (c) "Dependant" shall mean and include a patient for
the charges for whose treatment some other person
is liable in law;

"Depart-
ment." (d) "Department" shall mean the Department of
Health for Ontario;

"Inspector." (e) "Inspector" shall mean an officer of the Department
designated under this Act as an inspector;

"Minister." (f) "Minister" shall mean the member of the Executive
Council charged for the time being with the
administration of this Act;

"Municipi-
pality." (g) "Municipality" shall mean a city, separated town
or county, except that in a territorial district it
shall mean a city, town, village or township;

"Patient." (h) "Patient" shall mean a person admitted to a sana-
torium for the purpose of treatment;

- (i) "Preventorium" shall mean a sanatorium for treatment of patients who may not be infected with tuberculosis but who are suspected as being infected with or are considered likely to become infected with tuberculosis or who has been exposed to infection from tuberculosis; <sup>"Preven-
torium."</sup>
- (j) "Provincial aid" shall mean aid granted to a sanatorium out of moneys appropriated for the purpose by the Legislature; <sup>"Provincial
aid."</sup>
- (k) "Regulations" shall mean regulations made under this Act; <sup>"Regula-
tions."</sup>
- (l) "Resident" shall mean a person who has actually resided in a municipality for the period of three months within the five months next prior to admission to a sanatorium; ^{"Resident."}
- (m) "Sanatorium" shall mean and include any sanatorium, preventorium, institution, building or other premises or place, howsoever created, established or incorporated for the treatment of patients; <sup>"Sana-
torium."</sup>
- (n) "Superintendent" shall mean the person who has for the time being the direct and actual superintendence and charge of a sanatorium; <sup>"Superin-
tendent."</sup>
- (o) "Territorial district" shall mean any of the territorial districts set forth in *The Territorial Division Act*; <sup>"Territorial
district."</sup>
- (p) "Treatment" shall mean and include the stay, maintenance, observation, care, nursing and treatment, preventive or otherwise, of a patient who is infected or suspected of being infected or who is considered likely to become infected with tuberculosis, or who has been exposed to infection from tuberculosis. <sup>"Treat-
ment."</sup>
- (q) "Unorganized territory" shall mean that part of a territorial district which is without municipal organization. <sup>"Unorgan-
ized
territory."</sup>

PART II.

DEPARTMENTAL CONTROL.

3.—(1) The several institutions with their respective properties and appurtenances which under *The Sanatoria for Consumptives Act* received aid for the year 1930 from the Province of Ontario shall for the purposes of this Act be deemed to be sanatoria, as if the same has been approved under this Act. <sup>Sanatoria
aided in
1930
approved.</sup>

New
sanatoria
to be
approved.

(2) No institution, building or other premises or place shall hereafter be created, established, incorporated, operated or used as a sanatorium until the same has been approved by the Lieutenant-Governor in Council.

Suspension
or
revocation
of approval.

(3) Any approval given or deemed to have been given under this Act in respect of any sanatorium may be suspended by the Minister or revoked by the Lieutenant-Governor in Council.

Regulations
for
sanatoria.

4. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make such regulations with respect to sanatoria as may be deemed necessary for,—

Creation,
construc-
tion, etc.

(a) their creation, establishment, construction, alteration, equipment, maintenance and repair;

Classifica-
tion, etc.

(b) their classification, grades and standards;

Inspection,
operation,
etc.

(c) their inspection, control, government, management, conduct, operation and use;

Staffs, etc.

(d) their inspectors, superintendents, staffs, officers, servants and employees and the powers and duties thereof;

Patients,
etc.

(e) the admission, treatment, conduct and discharge of patients;

Rates, etc.

(f) the classification, length of stay, rates and charges of and for patients;

Accounting,
etc.

(g) the records, books, accounting system, reports and returns to be made and kept by sanatoria;

Provincial
aid.

(h) the distribution, payment, withholding and restoration of and other matters affecting provincial aid; and

General.

(i) all other matters affecting sanatoria.

Enforcement
of Act.

5. It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act, and the regulations. And the Department may, from time to time, declare all or any of the regulations to be in force with respect to all sanatoria or any specified sanatorium or sanatoria for such time or times as the Department may deem expedient.

Inspectors.

6. The Minister, with the approval of the Lieutenant-Governor in Council may designate one or more officers of

the Department to be inspectors for the purposes of this Act and the regulations, and the powers and duties of such inspectors shall be prescribed by the regulations.

7. Every sanatorium approved or deemed to be approved under this Act may be carried on under the powers and authorities conferred by any general or special Act under which it was created, established, incorporated or empowered, but where the provisions of any general or special Act heretofore passed conflict with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail. Powers of sanatorium.

PART III.

MUNICIPAL SANATORIA.

8. Subject to the provisions of this Act, any municipal corporation, including a county, or, jointly, any two or more such municipal corporations, may establish a sanatorium, and may for that purpose acquire land and erect and equip buildings thereon and do such other things as may be necessary or incidental to the establishment, completion, maintenance and operation of a sanatorium, and the carrying out of the provisions of this Act and the regulations. Establishment of municipal sanatorium.

9. When two or more municipal corporations propose jointly to establish a sanatorium the councils of such corporations shall provisionally agree upon the proposal, respecting the same. Provisional agreement for joint sanatorium.

10. Any municipal corporation or corporations which propose to establish a sanatorium shall submit the proposals to the Department and therewith shall also submit such provisional by-laws, agreements, plans, estimates and other material and information as may be required by the regulations. Submission of proposals to Department.

11. If the site for a proposed sanatorium is situate elsewhere in Ontario than in the municipality or in one of the municipalities, the corporation of which is proposing or is a party to proposing its establishment, the Department shall, upon the proposals being submitted to it, notify in writing the head of the municipality in which the site is situate of the proposals made, and the council of such municipality, shall within one month after receipt of such notice, state in writing to the Department, the objections, if any, to which it may have to the establishment of a sanatorium on such site, but no such objection shall necessarily prevent approval being given hereunder. Site in another municipality.

Approval by
Order-in-
Council.

12. The Minister shall submit the proposals, with any report thereon which he may see fit to make, to the Lieutenant-Governor in Council, and upon the same being approved, either as submitted or as modified or altered in any way by the Lieutenant-Governor in Council, such approval shall, subject as hereinafter provided, be sufficient authority for the municipal corporation or corporations to establish a sanatorium in accordance therewith.

Procedure
for estab-
lishment,
by-laws, etc.

13. When by approval of the Lieutenant-Governor in Council a municipal corporation is, or, jointly, two or more municipal corporations are authorized to establish a sanatorium, the council or councils of such corporation or corporations, as the case may be, may with the assent of the electors of such municipality or municipalities qualified to vote on money by-laws, pass all by-laws necessary to establish, erect, complete and equip the sanatorium and to issue debentures to pay for the cost thereof and where, jointly, two or more municipal corporations are establishing the sanatorium to enter into an agreement respecting the same according to form approved by the Lieutenant-Governor in Council.

County
sanatorium.

14. Where the municipal corporation authorized by the approval of the Lieutenant-Governor in Council, either alone or jointly with another municipal corporation, to establish a sanatorium is a county, it shall not be necessary that any by-laws passed by the council of such county, under section 13, shall be assented to by the electors qualified to vote on money by-laws if such by-laws are passed with the vote of two-thirds of all the members of the county council.

Rev. Stat.,
c. 233, to
apply.

15. Subject as otherwise herein provided, the provisions of *The Municipal Act* shall apply to all by-laws passed and to all debentures issued by a municipal corporation under this Act.

Improve-
ments for
sanatorium.

16. When it is proposed by a municipal corporation, which has or by two or more municipal corporations which, jointly, have established a sanatorium, to make any extensions, additions, or structural alterations or improvements to such sanatorium, or to erect any new buildings in connection therewith, the powers and proceedings with respect to such proposals and obtaining approval thereof, and to the passing of by-laws, issue of debentures and entering into of agreements, shall be the same as for the establishment of a sanatorium.

Board of
manage-
ment.

17. When a municipal corporation has, or, jointly, two or more municipal corporations have established a sanatorium the management and control over the same, and its erection,

equipment, maintenance, operation, use and affairs generally shall be vested in a board composed of not less than five trustees to be appointed by by-law of the establishing municipal corporation or in case of the establishment of a sanatorium, jointly, by two or more municipal corporations, in accordance with the provisions of the agreement entered into respecting the same.

18. The qualifications of the trustees forming the board, ^{Trustees.} their term of office, which shall not exceed five years, the quorum of their meetings and the manner of appointment of successors and of filling vacancies in the office of trustees shall be provided for in such by-law or agreement; and the trustees appointed shall hold office until their successors are appointed.

19. The Board of trustees of a sanatorium shall be a ^{Corporate} corporation under such name as may be designated in the ^{body.} approval given by the Lieutenant-Governor in Council for its establishment.

20. The board shall of its members elect yearly one of ^{Chairman.} them to be its chairman to hold office for one year, or until his successor is appointed; and a vice-chairman may also be similarly elected.

21. With the approval of the Lieutenant-Governor in ^{Agreements} Council, an association which has authority to establish, ^{with associa-} maintain and operate a sanatorium may enter into an agree- ^{tions.} ment with one or more municipal corporations, including a county or counties, respecting the establishment of such sanatorium or with respect to providing in whole or in part the cost of erecting, equipping, improving, enlarging, extending or altering a sanatorium established by the association, but no by-law of a municipal corporation for the purpose of providing any such cost, by the issue of debentures or otherwise, shall be passed otherwise than in accordance with the provisions of sections 13 or 14 in respect to by-laws passed thereunder.

PART V.

ALL SANATORIA.

22. The provisions of this Part shall apply to all sanatoria ^{Application} whether established by municipal corporations or associations. ^{of part.}

23. Subject as in this Act and the regulations provided, ^{Powers of} or in any agreement entered into under the provisions of ^{Board.} this Act stipulated, it shall be the duty of the board of a sanatorium, and it shall have power to govern, manage and

control its affairs, and its maintenance, operations and use, and the admission, treatment, conduct, discipline and discharge of patients therein, and for such purposes the board may pass by-laws, rules and regulations, but no such by-law, rule or regulation shall have force or effect until the same is approved by the Lieutenant-Governor in council.

Appoint-
ment of staff.

24. Subject to the regulations, the board may appoint such superintendents, officers, staffs, employees, and servants of a sanatorium as from time to time may be necessary and fix their salaries and prescribe their powers and duties.

Powers of
expropria-
tion.

Rev. Stat.,
c. 233.

25. With the approval of the Lieutenant-Governor in Council, the board may pass by-laws for expropriating any land adjacent to or in the vicinity of a sanatorium, which may be deemed requisite for or advantageous to its purposes, and in that behalf may exercise the powers of expropriation conferred on a municipality under *The Municipal Act*, the provisions of which relating thereto shall, *mutatis mutandis*, apply to and govern the exercise of such powers so far as the same are applicable or necessary thereto, and the superintendent in such case shall exercise the powers and perform the duties which under the said Act are to be exercised and performed by the clerk of the municipality; provided, however, that the board of a sanatorium which has been established by a municipal corporation or corporations, shall not exercise any such power of expropriation without the consent first obtained of the council or councils of such corporation or corporations.

Exemption
from
taxation.

26. The real property acquired and used for the purpose of and in connection with a sanatorium shall be exempt from all municipal or other taxation, including taxation for school purposes, except and excluding however, any municipal tax or rate imposed in respect to any public utility supplied to a sanatorium.

Sale, etc.,
to be
approved.

27. No part of any property acquired or used for the purposes of a sanatorium shall be sold, leased, mortgaged, or otherwise disposed of without the approval of the Lieutenant-Governor in Council.

Protection
from
adverse
expropria-
tion.

28. No part of any property acquired or used for the purposes of a sanatorium shall be expropriated by any corporation or person having powers of expropriation under any Act, without the approval of the Lieutenant-Governor in Council.

Saving as to
highway
widening.

29. Nothing in sections 27 and 28 contained, shall apply to or prevent the sale, disposition or expropriation of any part of the property acquired or used for the purposes of a

sanatorium if the same is required in the widening of any highway, if the Minister has first approved thereof.

30. The board may accept from any person donations of property, real or personal, and whether by will or otherwise, for the endowment, use or benefit of a sanatorium and subject to the terms of the donation may apply the same for such purposes. Donations.

31. No sanatorium which has been approved and established may permanently be closed without the approval of the Lieutenant-Governor in Council, and when any sanatorium is closed or proposed to be closed permanently, the Lieutenant-Governor in Council may make such provision for the sale or other disposition of the sanatorium and all the properties and assets thereof, and for the application of any proceeds of such sale or disposition and otherwise in every respect, as he may deem proper. Approval for closing sanatorium.

32. Subject to the provisions of any existing agreement relating thereto, every sanatorium receiving provincial aid shall provide such reasonable facilities for giving instructions to medical students of any university as may be required by the regulations. Medical students' clinics.

33. Except as may otherwise be provided in this Act, no sanatorium receiving provincial aid shall refuse to admit as a patient any person who is in need of treatment. Sanatorium to admit patients.

34. A preventorium, however, shall not be required to admit as a patient any person who is actually infected with tuberculosis. Admissions to preventorium.

35. Except as may otherwise be provided in this Act or in the agreement, no sanatorium established by an association which has entered into an agreement with a municipal corporation under this Act shall refuse to admit as a patient any indigent person or dependant of an indigent person resident in such municipality and requiring treatment. Admissions to association sanatorium.

36. Nothing in this Act contained shall require that any sanatorium admit or retain as a patient any person suffering from a communicable disease which under *The Public Health Act* or regulations made hereunder requires quarantine and placarding. Refusal of communicable disease cases.

37. Nothing in this Act contained shall unless by refusal of admission, life would thereby be endangered, require that any sanatorium admit as a patient any person who is not a resident or a dependant of a resident in Ontario. Refusal of non-residents.

PART VI.

MUNICIPAL LIABILITY.

Municipal
liability for
indigent
patients.

38.—(1) Subject as in this Act may otherwise be provided, when any patient in a sanatorium is an indigent person or a dependant of an indigent person, that municipality in which such person was a resident at the time of admission shall be liable to the sanatorium for payment of the charges for treatment of such patient at a rate not exceeding \$1.50 per day.

Relief of
certain
municipalities.

(2) Where in the opinion of the Minister liability under this section would in any year unduly burden any municipality in a territorial district, other than a city, the Lieutenant-Governor in Council upon the recommendation of the Minister may make special grants by way of provincial aid to relieve in whole or in part such municipality from the burden.

Liability for
non-
residents
may be
assumed.

39. A municipality may pay to a sanatorium the charges for treatment of a patient notwithstanding that such patient was not a resident in such municipality at the time of admission to such sanatorium.

Burial
expenses.

40.—(1) In the event of the death in a sanatorium of any patient who is an indigent person or a dependant of an indigent person, that municipality in which such indigent person was a resident at the time of admission shall pay to the sanatorium any expenses of burial which it may incur, but not exceeding \$30.

Contribution to Last
Post Fund.

(2) If such deceased patient was a member of His Majesty's military or naval forces in active service during the Great War, 1914-1918, and the burial was provided by and paid for from the Last Post Fund, the said municipality shall pay the expenses of such burial, but not exceeding the sum of \$30 to the Last Post Fund upon proof of such burial and demand for payment made by a properly accredited officer of the said fund.

Notice of
admission
to municipality.

41. Upon admission or after admission to a sanatorium of any patient who is or is represented to be or becomes an indigent person or the dependant of an indigent person, the superintendent shall by registered letter notify the clerk of the municipality in which such indigent person is or is represented to be a resident, of such admission, giving such particulars as may be ascertainable to enable the clerk to identify the indigent person.

42. Unless the clerk of a municipality within twenty days after the date of mailing any such notice to him, shall by registered letter notify the superintendent from whom such notice was received that the patient referred to therein was not a resident in the municipality at the time of admission as a patient or is not an indigent person or a dependant of an indigent person, such municipality shall be liable for the charges for treatment of such patient as provided in this Act. Notice disputing liability.

43. The clerk of a municipality when notifying a superintendent that a patient is not a resident in the municipality or is not an indigent person or a dependant of an indigent person, shall furnish such information as he may have ascertained with respect to such patient. Information to be furnished.

44. For the purpose of this Act, no patient shall be deemed to be a resident in a municipality,— Cases where residence not presumed.

- (a) by reason of having gone to the municipality for the purpose of seeking medical advice or treatment or seeking admission or treatment in a sanatorium in such municipality; or Persons seeking medical aid.
- (b) if the municipality is in a territorial district, and such patient being infected or likely or suspected of being infected with tuberculosis has gone to such municipality principally for the purpose of health and within one year after going to such municipality is admitted a patient in a sanatorium; but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to a municipality in a territorial district; or Health seekers in the districts.
- (c) if such patient has been living in the municipality by reason of being a pupil in any school, college, university, or other seminary of learning therein and at the time he became such a pupil was not a resident therein; but in such cases the patient shall for the purposes of this Act, be deemed to be a resident in that municipality in which he was a resident at the time he became such a pupil; or Pupils.
- (d) by reason of having been a patient or an inmate of a hospital, sanatorium, house of refuge, orphanage, children's shelter or child welfare institution, gaol, reformatory, prison or other public institution in the municipality and otherwise was not a resident therein; but in such cases the patient shall for the purposes of this Act be deemed to be a resident in that municipality in which he was a resident at the time he became such an inmate or patient. Institutional inmates.

County's
right to
contribu-
tion.

45. The corporation of a county shall have the right to recover not exceeding one-half of the charges paid by it in respect to treatment, in a sanatorium of any patient, for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which such patient was a resident at the time of admission.

Residence of
dependant.

46. A dependant of an indigent person shall for the purposes of this Act be deemed to be a resident in that municipality in which such indigent person is resident.

Statements
of account
to be
rendered.

47. When under this Act the charges for treatment of any patient or for burial expenses of a deceased patient are payable by a municipality the sanatorium to which such patient was admitted shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction.

Municipal
recourse
against
patient.

48. Upon payment by a municipality of any account rendered to it by a sanatorium for treatment of a patient or on payment by it of any expenses of burial of a deceased patient, such municipality may recover from the patient, or, in the event of his decease, from his estate or personal representatives, or, in the case of a dependant, from any person liable in law, in respect to such dependant, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction.

Municipal
recourse
against
proper muni-
cipality.

49. Upon payment by a municipality to a sanatorium of any account for treatment of a patient or upon payment of any expense of burial of a deceased patient by reason of such patient having been assumed to be a resident in such municipality and it being ascertained that such patient was not a resident therein but at the time of admission to the sanatorium was a resident in another municipality in Ontario, the municipality which made the said payment may recover the amount thereof as a debt from the municipality in which such patient was a resident and upon payment by that municipality it shall be entitled to exercise the rights of recovery conferred under section 48.

Workmen's
Compensa-
tion Board
cases.

50. Nothing in this Act contained shall render a municipality liable for payment of the charges for treatment of a patient where such charges are payable by the Workmen's Compensation Board or an employer under *The Workmen's Compensation Act*.

PART VII.

PROVINCIAL AID.

51.—(1) Subject to the provisions of this Act and of the regulations, provincial aid shall be distributed and may be paid out of any moneys appropriated for such purpose by the Legislature,—

- (a) for treatment of every patient who is an indigent person or the dependant of an indigent person, at the rate of seventy-five cents per day for every day that such patient is receiving treatment in a sanatorium;
- (b) for treatment of every patient who is an indigent person or the dependant of an indigent person and who has actually resided in unorganized territory for the period of three months within the five months next prior to admission to a sanatorium at the rate of \$2.25 per day for every day that such patient is receiving treatment in the sanatorium.

(2) In calculating the amount of provincial aid the day of departure of a patient shall not be included.

(3) Except as otherwise provided in this Act, no provincial aid shall be granted to any sanatorium in respect of a patient therein, if the charges received by the sanatorium in respect to such patient exceed \$1.50 per day from all sources other than provincial aid.

52. No provincial aid shall be granted to any sanatorium the approval of which has been revoked or suspended, or to any sanatorium which does not comply with the provisions of this Act, and the regulations.

53. When from any cause provincial aid to any sanatorium has not been granted or the grant thereof has been withdrawn or withheld, the Lieutenant-Governor in Council may upon the recommendation of the Minister direct that such aid be granted or restored in whole or in part, but not until the approval of such sanatorium has been revived or until compliance with the provisions of this Act or the regulations is made, as the case may be.

PART VIII.

GENERAL.

- Penalty. **54.** Any person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations shall incur a penalty of not less than \$5 and not exceeding \$500 recoverable under *The Summary Convictions Act*.
- Rev. Stat.,
c. 121.
- Repeal. **55.** *The Sanatoria for Consumptives Act*, being chapter 357 of the Revised Statutes of 1927, is repealed.
- Commence-
ment of Act. **56.** This Act shall come into force on the 1st day of October, 1931.

BILL

An Act respecting Sanatoria for
Consumptives

1st Reading

March 25th, 1931

2nd Reading

March 27th, 1931

3rd Reading

April 1st, 1931

MR. ROBB

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to provide Better Marketing Facilities for Agricultural
Products.

MR. KENNEDY (Peel)

No. 169

1931

BILL

An Act to provide Better Marketing Facilities for
Agricultural Products.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Short title. **1.** This Act may be cited as *The Ontario Marketing Act*,
1931.

Marketing
board
established. **2.**—(1) There shall be established a board to be known as
"The Ontario Marketing Board," hereinafter called the
"Board," which shall consist of three persons to be appointed
by the Lieutenant-Governor in Council with the powers and
duties hereinafter set out.

Chairman,—
Secretary. (2) One of the persons so appointed shall be designated as
chairman of the Board and there shall be a secretary of the
Board who shall be appointed by the Lieutenant-Governor
in Council.

Honor-
ariums. (3) The Lieutenant-Governor in Council may pay an
honorarium to the chairman and other members of the Board.

Duties and
powers. **3.**—(1) It shall be the duty of the Board and they shall
have power,—

Survey of
conditions. (a) to make a general survey of conditions existing in the
agricultural industry in all its branches and to prepare
and maintain a tabulated register of all statistical
Statistics. and other information so obtained;

Information
as to soil,
climate, etc. (b) to collect information regarding conditions as to
the soil, climate and other particulars which may be
useful in determining the adaptability of the various
counties and districts in the Province for any
particular class of farming or agricultural industry;

Regulations
as to
packing, etc. (c) to make recommendations as to packing, marketing
and transporting of any agricultural product;

EXPLANATORY NOTE

The purpose of the Bill is stated in section 3. If further machinery should appear to be necessary it can be provided from time to time. The object of the draftsman has been to make the Bill as simple as possible until experience shows just how the Board will function.

Marketing
facilities.

(d) to seek the best possible local and other marketing facilities for any class of agricultural product;

(e) to diffuse information among those concerned as to the agricultural facilities in Ontario and as to the best methods to be used in increasing productivity of the soil and the production of any particular class of agricultural products;

Dairy
products.

(f) to encourage in every way the best methods for the manufacture, preparation and packing of dairy products for marketing in Ontario or elsewhere;

Generally.

(g) generally to promote the interests of the agricultural industry in Ontario as the Board may deem expedient.

Report to
Minister.

(2) The Board shall report to the Minister of Agriculture from time to time upon its operations and whenever required by the Minister so to do shall direct every effort to the improvement and increase of marketing facilities for any particular class of agricultural products or for any particular article in any such class.

Committees
acting for
board.

4. The Minister, upon the recommendation of the Board may appoint committees, each of which shall consist of not more than three persons, for the purpose of assisting in carrying out the objects and purposes of the Board with regard to any class of agricultural products or with regard to any particular article in any such class, and the Minister may provide for the remuneration and expenses of any such committee.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to provide Better Marketing
Facilities for Agricultural
Products.

1st Reading

March 26th, 1931

2nd Reading

3rd Reading

MR. KENNEDY (Peel)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to provide Better Marketing Facilities for Agricultural
Products.

MR. KENNEDY (Peel)

BILL

An Act to provide Better Marketing Facilities for Agricultural Products.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Ontario Marketing Act, 1931.*

Marketing board established. **2.**—(1) There shall be established a board to be known as "The Ontario Marketing Board," hereinafter called the "Board," which shall consist of three persons to be appointed by the Lieutenant-Governor in Council with the powers and duties hereinafter set out.

Chairman,—Secretary. (2) One of the persons so appointed shall be designated as chairman of the Board and there shall be a secretary of the Board who shall be appointed by the Lieutenant-Governor in Council.

Honorariums. (3) The Lieutenant-Governor in Council may pay an honorarium to the chairman and other members of the Board.

Duties and powers. **3.**—(1) It shall be the duty of the Board and they shall have power,—

Survey of conditions. (a) to make a general survey of conditions existing in the agricultural industry in all its branches and to prepare and maintain a tabulated register of all statistical and other information so obtained;

Statistics.

Information as to soil, climate, etc. (b) to collect information regarding conditions as to the soil, climate and other particulars which may be useful in determining the adaptability of the various counties and districts in the Province for any particular class of farming or agricultural industry;

Regulations as to packing, etc. (c) to make recommendations as to packing, marketing and transporting of any agricultural product;

- (d) to seek the best possible local and other marketing facilities for any class of agricultural product; Marketing facilities.
- (e) to diffuse information among those concerned as to the agricultural facilities in Ontario and as to the best methods to be used in increasing productivity of the soil and the production of any particular class of agricultural products;
- (f) to encourage in every way the best methods for the manufacture, preparation and packing of dairy products for marketing in Ontario or elsewhere; Dairy products
- (g) generally to promote the interests of the agricultural industry in Ontario as the Board may deem expedient. Generally.

(2) The Board shall report to the Minister of Agriculture from time to time upon its operations and whenever required by the Minister so to do shall direct every effort to the improvement and increase of marketing facilities for any particular class of agricultural products or for any particular article in any such class. Report to Minister.

4. The Minister, upon the recommendation of the Board may appoint committees, each of which shall consist of not more than three persons, for the purpose of assisting in carrying out the objects and purposes of the Board with regard to any class of agricultural products or with regard to any particular article in any such class, and the Minister may provide for the remuneration and expenses of any such committee. Committees acting for board.

5. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

An Act to provide Better Marketing
Facilities for Agricultural
Products.

1st Reading

March 26th, 1931

2nd Reading

March 27th, 1931

3rd Reading

April 1st, 1931

MR. KENNEDY (Peel)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act for Raising Money on the Credit of the Consolidated
Revenue Fund.

MR. DUNLOP

BILL

An Act for Raising Money on the credit of the Consolidated Revenue Fund.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Ontario Loan Act, 1931*.

Loan of
\$40,000,000
authorized.

2. The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding forty million dollars (\$40,000,000), for all or any of the purposes following, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario and for the carrying on of the public works authorized by the Legislature.

Terms to be
fixed by
Lieutenant-
Governor.

3. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Sinking
Fund.

4. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 2 of section 3 of *The Provincial Loans Act*.

Rev. Stat.,
c. 23.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act for Raising Money on the
Credit of the Consolidated Revenue
Fund.

1st Reading

March 27th, 1931

2nd Reading

3rd Reading

MR. DUNLOP

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act for raising money on the Credit of the Consolidated
Revenue Fund.

MR. DUNLOP

No. 170

1931

BILL

An Act for raising money on the credit of the Consolidated Revenue Fund.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Ontario Loan Act, 1931*.

Loan of \$40,000,000 authorized. **2.** The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding forty million dollars (\$40,000,000), for all or any of the purposes following, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario and for the carrying on of the public works authorized by the Legislature.

Terms to be fixed by Lieutenant-Governor. **3.** The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Sinking Fund. **4.** The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 2 of section 3 of *The Provincial Loans Act*.

Rev. Stat., c. 23.

Commencement of Act. **5.** This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act for Raising Money on the
Credit of the Consolidated Revenue
Fund.

1st Reading

March 27th, 1931

2nd Reading

March 30th, 1931

3rd Reading

April 1st, 1931

MR. DUNLOP

No. 171

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Corporations Tax Act.

MR. DUNLOP

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Corporations Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Corporations Tax Act, 1931*.

Rev. Stat.,
c. 29, s. 3,
subs. 14,
repealed.

2.—(1) Subsection 14 of section 3 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Tax on car
companies.

(14) Every company other than a railway company transacting business in Ontario by operating, leasing or hiring sleeping, parlour or dining cars run upon or used by any railway within Ontario shall pay a tax of one per centum upon the money invested in such cars so in use in Ontario.

Rev. Stat.,
c. 29, s. 3,
amended.

(2) The said section 3 is further amended by adding thereto the following subsections:

Tax on
capital of
incorporated
companies
carrying on
business in
Ontario.

(23) Every incorporated company transacting business in Ontario shall pay a tax of one-tenth of one per centum upon the paid up capital thereof including its reserve (except a proper reserve for depreciation) and all sums of money raised by the corporation by the issue of its debentures or bonds and all sums advanced or loaned to the company by any other company, but the Treasurer may allow such reduction of taxes as he may deem just to any incorporated company coming under the provisions of this subsection and (a) having its head office outside the Province and doing business in the Province, or (b) having its head office in the Province but doing business out of the Province, or having the greater part of its corporate assets outside the Province, or (c) having its head office in the Province but doing only the business therein of holding the stock,

EXPLANATORY NOTES

Section 2.—(1) This repeals the tax imposed on refrigerator, oil, coal or fruit cars. The imposition of the tax on such cars would impose a great hardship and loss of revenue on Canadian railroads. The tax will continue to be collected upon sleeping, dining and parlour cars.

(2) This section imposes a tax of one-tenth of one per centum upon the paid up capital of all companies not presently taxed under *The Corporations Tax Act* with certain exceptions as set out in this section. In the case of companies transacting business in different provinces the tax will be imposed on the portion of the capital allocated to business in this Province.

bonds and other securities of other incorporated companies.

Exceptions
to subs. 23.

(23a) The provisions of subsection 23 shall not apply,—

- (a) to any company which maintains a head or executive office in the Province of Ontario but whose business and assets are carried on and situate entirely outside the said Province;
- (b) to any company which maintains a head or executive office in the Province of Ontario but whose assets consist substantially only of shares or obligations of other companies or corporations whose main or chief business and assets are situate entirely outside the said Province;
- (c) to any company which carries on in the Province of Ontario as its main or chief business investment and re-investment in shares, bonds and obligations of other incorporated companies or of any government, municipal or school corporation;
- (d) to any mine, plant or works the profits of which are liable to taxation under *The Mining Tax Act*;
- (e) to any milling, smelting, refining or reduction plant owned by the owner of the mine and used for the processing of such mine's ores unless and until such mine is assessed for a tax under *The Mining Tax Act*;
- (f) to any capital *bona fide* subscribed or used in the survey for, exploration of, and development of mines or minerals;
- (g) to companies incorporated for the purpose of drainage, agriculture or colonization;
- (h) to corporations paying taxes under subsections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14 or 15 of this section;
- (i) to corporations paying tax under subsection 12 of this section upon their entire capital except as to any portion of capital not so taxed under the said subsection;

Rev. Stat.,
c. 28.

- (j) so as to tax the same capital more than once under this Act;
- (k) to companies that have ceased to do business;
- (l) to companies incorporated solely for charitable purposes or to operate hospitals.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall have affect as from the 1st day of January, 1931.

BILL

An Act to amend The Corporations
Tax Act.

1st Reading

March 27th, 1931

2nd Reading

3rd Reading

MR. DUNLOP

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Corporations Tax Act.

MR. DUNLOP

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 171

1931

BILL

An Act to amend The Corporations Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Corporations Tax Act, 1931*.

Rev. Stat.,
c. 29, s. 3,
subs. 14,
repealed.

- 2.—(1) Subsection 14 of section 3 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Tax on car
companies.

- (14) Every company other than a railway company transacting business in Ontario by operating, leasing or hiring sleeping, parlour or dining cars run upon or used by any railway within Ontario shall pay a tax of one per centum upon the money invested in such cars so in use in Ontario.

Rev. Stat.,
c. 29, s. 3,
amended.

- (2) The said section 3 is further amended by adding thereto the following subsections:

Tax on
capital of
incorporated
companies
carrying on
business in
Ontario.

- (23) Every incorporated company transacting business in Ontario shall pay a tax of one-tenth of one per centum upon the paid up capital thereof including its reserve (except a proper reserve for depreciation) and all sums advanced or loaned to the company by any other company for capital account, but the Treasurer may allow such reduction of taxes as he may deem just to any incorporated company coming under the provisions of this subsection and (a) having its head office outside the Province and doing business in the Province, or (b) having its head office in the Province but doing business out of the Province, or having the greater part of its corporate assets outside the Province, or (c) having its head office in the Province but doing only the business therein of holding the stock,

bonds and other securities of other incorporated companies.

(23a) The provisions of subsection 23 shall not apply,—^{Exceptions to subs. 23.}

- (a) to any company which maintains a head or executive office in the Province of Ontario but whose business and assets are carried on and situate entirely outside the said Province;
- (b) to any company which maintains a head or executive office in the Province of Ontario but whose assets consist substantially only of shares or obligations of other companies or corporations whose main or chief business and assets are situate entirely outside the said Province;
- (c) to any company which carries on in the Province of Ontario as its main or chief business investment and re-investment in shares, bonds and obligations of other incorporated companies or of any government, municipal or school corporation;
- (d) to any mine, plant or works the profits of ^{Rev. Stat., c. 28.} which are liable to taxation under *The Mining Tax Act*;
- (e) to any milling, smelting, refining or reduction plant owned by the owner of the mine and used for the processing of such mine's ores unless and until such mine is assessed for a tax under *The Mining Tax Act*;
- (f) to any capital *bona fide* held or used in the survey for, exploration of, and development of mines or minerals;
- (g) to companies incorporated for the purpose of drainage, agriculture or colonization;
- (h) to corporations paying taxes under subsections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14 or 15 of this section;
- (i) to corporations paying tax under subsection 12 of this section upon their entire capital except as to any portion of capital not so taxed under the said subsection;

- (j) so as to tax the same capital more than once under this Act;
- (k) to companies that have ceased to do business;
- (l) to companies incorporated solely for charitable purposes or to operate hospitals;
- (m) to telephone companies having a paid-up capital of less than one hundred thousand dollars.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of January, 1931.

BILL

An Act to amend The Corporations
Tax Act.

1st Reading

March 27th, 1931

2nd Reading

March 31st, 1931

3rd Reading

April 1st, 1931

Mr. DUNLOP

No. 172

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Succession Duty Act.

MR. DUNLOP

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Succession Duty Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Succession Duty Amendment Act, 1931*.

Rev. Stat.,
c. 26, s. 1,
cl. *a*,
amended.

2. The clause lettered *a* of section 1 of *The Succession Duty Act* is amended by inserting after the word "Ontario" in the seventh line thereof the words "and the value of Ontario bonds issued under any statute of the Province of Ontario exempting them from duty."

Rev. Stat.,
c. 26, s. 2,
repealed.

3. Section 2 of *The Succession Duty Act* is repealed and the following substituted therefor:

Declaration
as to
application
of Act.

2. This Act shall be deemed to be and to declare the law relating to succession duty since the 1st day of July, 1892, save as to the rate of duty, the liability for duty of any property transferred *inter vivos*, any action or reference heretofore determined in any court or as to any estate upon which the duty has been fully paid and satisfied:

Rev. Stat.,
c. 26, s. 3,
amended.

4. Section 3 of *The Succession Duty Act* is amended by inserting after the word "person" in the fifth line thereof the words "at the time of his death."

Rev. Stat.,
c. 26,
cls. *c*, *d*, *e*,
repealed.

5. The clauses lettered *c*, *d*, and *e*, of section 6 of *The Succession Duty Act* are repealed and the following substituted therefor:

Exemption
from
succession
duty.

(*c*) Where the whole value of any property passing to any one person does not exceed \$500;

(*d*) Where the property passing to any one person consists wholly of an annuity, of not more than \$100 per

EXPLANATORY NOTES

Section 2. This amendment is to provide that debentures of the Province of Ontario issued free from succession duty be included in the aggregate value of property. This is the practice at present but there seems to be some doubt about it. Such debentures will still be free from duty.

Section 3. There is no change in this section except a rearrangement of the wording. The effect is to make the section applicable to estates on which duty has not yet been fixed.

Section 4. This makes no change in the law but makes the section more definite.

Section 5. This amendment increases the exemption provided for by clause *c* of section 6 from \$300 to \$500, provides for exemption of duty on an annuity or life interest not exceeding \$100 per annum (clause *d*), and changes clause *e* to limit the charitable, religious or educational bequests to bequests for purposes to be carried out in Ontario.

annum, or of an estate or interest for life or for a term, in any property, the yearly income from which does not exceed \$100;

- (e) On property given, devised or bequeathed to a religious, charitable or educational organization for religious, charitable or educational purposes to be carried out in Ontario.

Rev. Stat.,
subs. 2, cl. c,
amended.

6.—(1) The clause lettered *c* of subsection 2 of section 8 of *The Succession Duty Act* is repealed, and the following substituted therefor:

Property
held by
joint
tenants
subject
to duty.

- (c) Any property, real or personal, held in the joint names of the deceased and one or more persons, or deposited in banks or other institutions or money deposited in the joint names of the deceased and one or more persons, and payable to either or the survivor, except the portion thereof which is shown to the satisfaction of the Treasurer to have been contributed by the survivor.

Rev. Stat.,
c. 26, s. 8,
Subs. 2,
cl. d,
amended.

(2) The clause lettered *d* in subsection 2 of said section 8 is amended by adding thereto the words "or where the property so passing or some part thereof, or some fund therein, or any property fund or assets resulting from the conversion of any such property or fund, is held for any benefit of the settlor, whether or not there is such reservation or any reservation whatsoever to the settlor.

Property
passing
under
settlement,
etc.

Rev. Stat.,
c. 26, s. 8,
subs. 2, cl. f,
repealed.

(3) The clause lettered *f* in subsection 2 of said section 8 is repealed and the following substituted therefor:

Policies of
insurance.

- (f) Money received under a policy of insurance whether such insurance is payable to or in favour of a preferred beneficiary within the meaning of *The Insurance Act*, or not, effected by any person on his life, where the policy is wholly kept up by him for the benefit of any existing or future donee, whether nominee or assignee, or for any person who may become a donee, or a part of such money in proportion to the premiums paid by him, where the policy is partially kept up by him for such benefit.

Insurance
to provide
duty.

- (ff) The premiums paid on that portion of a policy of insurance applied to the payment of duty where such policy of insurance is made payable to the estate of the deceased in trust for the Treasurer for the purpose of providing money necessary to pay the duty on the estate of the deceased, but notwith-

Section 6.—(1) Difficulty is experienced at times in the case of joint bank accounts and other property held in the joint names of the deceased and another person, to establish what part of the joint estate belongs to the deceased and what part to the survivor. Property is sometimes put in joint names in order that the survivor may immediately take possession of the same without having to take out probate and thus escape payment of the duty. The amendment will provide that the duty is payable on all property so held except the portion which can be shown to have been contributed by the survivor.

(2) This is to define more clearly the intended meaning of the section.

(3) This amendment will allow a person to take out an insurance policy to cover succession duty. The proceeds of the policy will be free of duty but duty may be payable upon the premiums paid.

standing anything herein contained, moneys received by the Treasurer on such last-mentioned policy and applied by him in full of or on account of the Ontario Duty shall not be deemed to be property passing on the death of the deceased and duty shall not be payable thereon.

Rev. Stat.,
c. 26, s. 9,
subs. 6,
amended.

7. Subsection 6 of section 9 of *The Succession Duty Act* is amended by adding thereto the following proviso:

Provided that when the amount passing to any one of the persons mentioned in this subsection does not exceed \$1,000, no duty shall be paid on the amount so passing in the event of such person having been in the employ of the deceased for at least five years prior to his death.

Rev. Stat.,
c. 26, s. 11,
repealed.

8. Section 11 of *The Succession Duty Act* as amended by section 3 of *The Succession Duty Act, 1928*, and section 2, of *The Succession Duty Act, 1929*, is repealed and the following substituted therefor:

Consent to
transfer
required.

11.—(1) Unless the consent thereto, in writing of the Treasurer is obtained, no person, bank, trust company, insurance company or other corporation having its head office, principal place of business, office from which payments of claims are made, register of shareholders or any place of transfer in Ontario, shall,—

(a) Deliver, transfer or assign or permit any delivery, transfer or assignment of any property, whatsoever, belonging to a deceased person, which may be liable to duty in Ontario, including any deposit, bond, debenture stock, stock or share (or insurance money in excess of \$1,000) with, in, issued by or payable by any bank, trust company, insurance company or other corporation and standing in the name of a deceased person (whether such deceased person died domiciled in Ontario or elsewhere) or held in trust for him or in the names of a deceased person and any other person; or

(b) Permit the opening of any safety deposit box or other repository in Ontario, the removal thereof from Ontario or the withdrawal from such box or repository of any cash, negotiable instrument, certificates representing indebtedness under bond or otherwise or representing

Section 7. This will exempt from duty legacies up to \$1,000 to servants in the employ of the deceased for five years previous to death.

Section 8. This is intended to dispense with evasion of payment of duty as far as possible. No transfer of any property of the deceased person can be made without the consent of the Treasurer. No safety deposit box can be opened except with the consent of the Treasurer and it is intended to have somebody representing the Department (surrogate registrar usually) attend at the opening of all safety deposit boxes and check the contents thereof and see that the same is included in the inventory of the estate. As a rule it will not be necessary to file any bond or other security for duty, thereby saving the estate considerable expense. The property of the deceased cannot be transferred except as the duty is paid. This section also permits the payment of life insurance moneys to the extent of \$1,000 without the consent of the Treasurer. Any insurance moneys paid in excess of that amount can only be paid with the consent of the Treasurer.

any holdings of stock, muniment of title, insurance policy or any other property belonging to a deceased person.

Opening of
safety
deposit
boxes, etc.

- (2) Notice in writing of the intention to open any safety deposit box or other repository as is mentioned in subsection 1 of this section or to withdraw therefrom according to the meaning of said subsection, shall be served on the Treasurer or his representative at least ten days, or other period to which the Treasurer may agree, before such opening or withdrawal is intended to take place and the Treasurer or his representative may attend at the time and place of such opening or withdrawal and there give a consent in writing to the same as provided herein and he may examine the contents thereof or the Treasurer or his representative may give such consent without attending and examining as herein provided but the consent provided for in this subsection shall apply only to the Acts mentioned in paragraph *b* of subsection 1 of this section.

Payment of
insurance
policies.

- (3) Unless the consent, in writing, of the Treasurer is obtained, no insurance company shall make any payment of money in excess of \$1,000 due under a policy of insurance, which may be subject to duty in Ontario, and where payment not exceeding \$1,000 has been made, notice shall be transmitted to the Treasurer forthwith.

Penalties.

- (4) Any person, bank, trust company, insurance company or other corporation mentioned in this section, failing to comply with same, shall incur a penalty not exceeding the amount of the duty payable to the Province, in respect of any property dealt with in contravention of this section and shall, in addition, incur a penalty of \$1,000, but such penalty shall not apply when the Treasurer is satisfied that the contravention was not wilful and occurred through ignorance of the death.

Rev. Stat.,
c. 26, s. 12,
subss. 3 and 4
amended.

9.—(1) Subsection 3 of section 12 of *The Succession Duty Act* is amended by striking out all the words after the word "made" in the sixth line.

(2) Subsection 4 of said section 12 is amended by striking out the words "in lieu of or in addition to any other security" in the second and third lines thereof.

Rev. Stat.,
c. 26, s. 13,
subs. 7,
amended.

10.—(1) Subsection 7 of section 13 of *The Succession Duty Act* is amended by inserting after the word "situated" in

Section 9. The amendment in the Act provided for by section 8 renders it unnecessary to withhold probate until security is given.

Section 10.—(1) At present if any investigation regarding an estate is thought advisable it is necessary to refer the matter to the surrogate court. This section provides for the taking of evidence with regard to property of the deceased by the Controller of Revenue and by the solicitor appointed under the Act, thus giving quick action and saving expenses to the estate.

the eleventh line thereof the words "the Controller of Revenue or his representative, or the solicitor under *The Succession Duty Act*."

Rev. Stat.,
c. 26, s. 13,
amended.

(2) The said section 13 of *The Succession Duty Act* is further amended by adding thereto the following section:

Appraise-
ment final
after sixty
days.

(8) After the filing of the inventory as provided for in section 12, the Treasurer may mail to the executors or to their solicitors notice of appraisement showing the total appraised value of the property disclosed by the inventory, and sixty days after the mailing of such notice, such appraised value shall become final and binding upon the executors for all purposes of this Act, unless within sixty days after the mailing thereof a notice in writing that the executors object to such appraisement or to some portion thereof shall be received by the Treasurer.

Rev. Stat.,
c. 26, s. 16,
subs. 3,
repealed.

11. Subsection 3 of section 16 of *The Succession Duty Act* is repealed and the following substituted therefor:

(3) The duty on property, passing upon the death, in respect to which any person is given such a general power to appoint as would, if he were *sui juris*, enable him to dispose of the property as he thinks fit, whether the power is exercisable by instrument *inter vivos* or by will or both, shall be paid in the same manner and at the same time as if the property itself had been given to the donee of the power.

Rev. Stat.,
c. 26, s. 17,
subs. 3, *
repealed.

12. Subsection 3 of section 17 of *The Succession Duty Act* as amended by section 7 of *The Succession Duty Act, 1928*, is repealed and the following substituted therefor:

Payment
within three
months when
interest in
expectancy
falls into
possession.

(3) The duty on any interest in expectancy, if not sooner paid, shall be due forthwith when such interest comes into possession and payable within three months thereafter, in which case the duty shall be on the value ascertained as provided herein as at the date of coming into possession, and no deduction shall be made by reason of duty paid or payable on any prior estate, income or interest, and if such duty is not so paid, interest at the rate of six per centum shall be charged and collected thereon from the date when such interest in expectancy came into possession.

Rev. Stat.,
c. 26, s. 18,
repealed.

13. Section 18 of *The Succession Duty Act* as amended by section 9 of *The Succession Duty Act, 1928*, is repealed and the following substituted therefor:

(2) At the present time the Department has difficulty in having the values of the estate finally or conclusively settled so that the final statement can be rendered and action taken. The intention of this amendment is to provide finality in the matter of valuation. The amendment does not interfere with any right of appeal to the surrogate court from the valuation of the Department.

Section 11. This amendment is to clarify the meaning of this section.

Section 12. Under the old Act the duty is paid immediately on the death of the life tenant. This amendment provides for three months in which to pay the duty on the remainder without interest.

Section 13. The reason for this amendment is to save expense and trouble to an estate in making application to the surrogate judge for extension of time. This provides that the Controller of Revenue, with the consent of the Treasurer, may extend time for payment of duty.

Extension of
time for
payment of
duty.

18. Upon the application of any person liable for the payment of duty the surrogate judge, or the Controller of Revenue, may from time to time on notice to the Treasurer and for just cause shown, make upon such terms as either may deem proper, an order extending the time fixed by this Act for payment thereof for any period in the aggregate, not exceeding one year or with the consent of the Treasurer, for a longer period, but, unless the judge or Controller otherwise order, the duty shall nevertheless bear interest at the rate of six per centum per annum from the day upon which such duty might have been paid without interest.

Rev. Stat.,
c. 26,
amended.

14. *The Succession Duty Act* is amended by adding thereto the following section:

Distribution
of bonds,
debentures
or inscribed
stock exempt
from duty.

- 26.—(1) Where part of the property passing on the death of deceased, consists of bonds, debentures or inscribed stock issued under the provisions of any statute of the Province of Ontario exempting them from duty and such bonds, debentures or inscribed stock are not specifically bequeathed by the testator or disposed of by gift by him in his lifetime, then for the purposes of this Act, such bonds, debentures or inscribed stock shall be distributed among the beneficiaries in the same proportion as the whole of the personalty is distributed among them according to the provisions of the will of such deceased person, or if such deceased person died intestate, then such bonds, debentures or inscribed stock shall be distributed in the same manner as the personal estate of an intestate is distributed, according to the law of the province, state or country wherein such deceased person was domiciled at the time of his death.

Charge to
such bonds,
etc.

- (2) Unless a contrary intention appears by the will of such deceased person, then for the purposes of this Act, there shall be charged to such bonds, debentures or inscribed stock, the proper proportion of the debts allowed under section 4 of this Act.

Section 14. There is nothing in the present Act to allocate the succession duty free bonds to any particular portion of the estate or to any class of beneficiary. The intention of the amendment is to adjust pro rata the succession duty free bonds to the different classes of property and beneficiaries.

BILL
An Act to amend The Succession
Duty Act.

1st Reading

March 27th, 1931

2nd Reading

3rd Reading

MR. DUNLOP

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Succession Duty Act.

MR. DUNLOP

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Succession Duty Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Succession Duty Amendment Act, 1931*.

Rev. Stat.,
c. 26, s. 1,
cl. a,
amended. **2.** The clause lettered *a* of section 1 of *The Succession Duty Act* is amended by inserting after the word "Ontario" in the seventh line thereof the words "and the value of Ontario bonds issued under any statute of the Province of Ontario exempting them from duty."

Rev. Stat.,
c. 26, s. 2,
repealed. **3.** Section 2 of *The Succession Duty Act* is repealed and the following substituted therefor:

Declaration
as to
application
of Act.

2. This Act shall be deemed to be and to declare the law relating to succession duty since the 1st day of July, 1892, save as to the rate of duty, the liability for duty of any property transferred *inter vivos*, any action or reference heretofore determined in any court or as to any estate upon which the duty has been fully paid and satisfied.

Rev. Stat.,
c. 26, s. 3,
amended. **4.** Section 3 of *The Succession Duty Act* is amended by inserting after the word "person" in the fifth line thereof the words "at the time of his death."

Rev. Stat.,
c. 26,
cls. c, d, e,
repealed. **5.** The clauses lettered *c*, *d*, and *e*, of section 6 of *The Succession Duty Act* are repealed and the following substituted therefor:

Exemption
from
succession
duty.

(c) Where the whole value of any property passing to any one person does not exceed \$500;

(d) Where the property passing to any one person consists wholly of an annuity, of not more than \$100 per

annum, or of an estate or interest for life or for a term, in any property, the yearly income from which does not exceed \$100;

- (e) On property given, devised or bequeathed to a religious, charitable or educational organization for religious, charitable or educational purposes to be carried out in Ontario.

6.—(1) The clause lettered *c* of subsection 2 of section 8 of *The Succession Duty Act* is repealed, and the following substituted therefor:

- (c) Any property, real or personal, held in the joint names of the deceased and one or more persons, or deposited in banks or other institutions or money in excess of \$5,000 at date of death, deposited in the joint names of the deceased and one or more persons, and payable to either or the survivor, except the portion thereof which is shown to the satisfaction of the Treasurer to have been contributed by the survivor.

Property held by joint tenants subject to duty.

(2) The clause lettered *d* in subsection 2 of said section 8 is amended by adding thereto the words "or where the property so passing or some part thereof, or some fund therein, or any property fund or assets resulting from the conversion of any such property or fund, is held for any benefit of the settlor, whether or not there is such reservation or any reservation whatsoever to the settlor."

Rev. Stat., c. 26, s. 8, Subs. 2, cl. d, amended.

Property passing under settlement, etc.

(3) The clause lettered *f* in subsection 2 of said section 8 is repealed and the following substituted therefor:

Rev. Stat., c. 26, s. 8, Subs. 2, cl. f, repealed.

- (f) Money received under a policy of insurance whether such insurance is payable to or in favour of a preferred beneficiary within the meaning of *The Insurance Act*, or not, effected by any person on his life, where the policy is wholly kept up by him for the benefit of any existing or future donee, whether nominee or assignee, or for any person who may become a donee, or a part of such money in proportion to the premiums paid by him, where the policy is partially kept up by him for such benefit.

Policies of insurance.

- (ff) The premiums paid on that portion of a policy of insurance applied to the payment of duty where such policy of insurance is made payable to the estate of the deceased in trust for the Treasurer for the purpose of providing money necessary to pay the duty on the estate of the deceased, whether

Insurance to provide duty.

originally issued or subsequently endorsed for such purpose, but notwithstanding anything herein contained, moneys received by the Treasurer on such last-mentioned policy and applied by him in full of or on account of the Ontario Duty shall not be deemed to be property passing on the death of the deceased and duty shall not be payable thereon.

Rev. Stat.,
c. 26, s. 9,
subs. 6,
amended.

7. Subsection 6 of section 9 of *The Succession Duty Act* is amended by adding thereto the following proviso:

Provided that when the amount passing to any one of the persons mentioned in this subsection does not exceed \$1,000, no duty shall be paid on the amount so passing in the event of such person having been in the employ of the deceased for at least five years prior to his death.

Rev. Stat.,
c. 26, s. 11,
repealed.

8. Section 11 of *The Succession Duty Act* as amended by section 3 of *The Succession Duty Act, 1928*, and section 2, of *The Succession Duty Act, 1929*, is repealed and the following substituted therefor:

Consent to
transfer
required.

11.—(1) Unless the consent thereto, in writing of the Treasurer is obtained, no bank, trust company, insurance company or other corporation having its head office, principal place of business, office from which payments of claims are made, register of shareholders or any place of transfer in Ontario, shall,—

(a) Deliver, transfer or assign or permit any delivery, transfer or assignment of any property, whatsoever, belonging to a deceased person, which may be liable to duty in Ontario, including any deposit, bond, debenture stock, stock or share (or insurance money in excess of \$1,000) with, in, issued by or payable by any bank, trust company, insurance company or other corporation and standing in the name of a deceased person (whether such deceased person died domiciled in Ontario or elsewhere) or held in trust for him or in the names of a deceased person and any other person; or

(b) Permit the opening of any safety deposit box in Ontario, the removal thereof from Ontario or the withdrawal from such box of any negotiable instrument, certificates representing indebtedness under bond or otherwise or representing any holdings of stock, muniment

of title, insurance policy or any other property belonging to a deceased person.

- (2) Notice in writing of the intention to open any safety deposit box or other repository as is mentioned in subsection 1 of this section or to withdraw therefrom according to the meaning of said subsection, shall be served on the Treasurer or his representative at least ten days, or other period to which the Treasurer may agree, before such opening or withdrawal is intended to take place and the Treasurer or his representative may attend at the time and place of such opening or withdrawal and there give a consent in writing to the same as provided herein and he may examine the contents thereof or the Treasurer or his representative may give such consent without attending and examining as herein provided but the consent provided for in this subsection shall apply only to the Acts mentioned in paragraph *b* of subsection 1 of this section.

Opening of
safety
deposit
boxes, etc.

- (3) Unless the consent, in writing, of the Treasurer is obtained, no insurance company shall make any payment of money in excess of \$1,000 due under a policy of insurance, which may be subject to duty in Ontario, and where payment not exceeding \$1,000 has been made, notice shall be transmitted to the Treasurer forthwith.

Payment of
insurance
policies.

- (4) Any bank, trust company, insurance company or other corporation mentioned in this section, failing to comply with same, shall incur a penalty not exceeding the amount of the duty payable to the Province, in respect of any property dealt with in contravention of this section and shall, in addition, incur a penalty of \$1,000, but such penalty shall not apply when the Treasurer is satisfied that the contravention was not wilful and occurred through ignorance of the death.

Penalties.

9.—(1) Subsection 3 of section 12 of *The Succession Duty Act* is amended by striking out all the words after the word “made” in the sixth line.

Rev. Stat.
c. 26, s. 12,
subs. 3 and 4
amended.

(2) Subsection 4 of said section 12 is amended by striking out the words “in lieu of or in addition to any other security” in the second and third lines thereof.

10.—(1) Subsection 7 of section 13 of *The Succession Duty Act* is amended by inserting after the word “situated” in

Rev. Stat.
c. 26, s. 13,
subs. 7,
amended.

the eleventh line thereof the words "the Controller of Revenue or his representative, or the solicitor under *The Succession Duty Act*."

Rev. Stat.,
c. 26, s. 13,
amended.

(2) The said section 13 of *The Succession Duty Act* is further amended by adding thereto the following section:

Appraise-
ment final
after sixty
days.

- (8) After the filing of the inventory as provided for in section 12, the Treasurer may mail to the executors or to their solicitors notice of appraisement showing the total appraised value of the property disclosed by the inventory, and sixty days after the mailing of such notice, such appraised value shall become final and binding upon the executors for all purposes of this Act, unless within sixty days after the mailing thereof a notice in writing that the executors object to such appraisement or to some portion thereof shall be received by the Treasurer.

Rev. Stat.,
c. 26, s. 16,
subs. 3,
repealed.

11. Subsection 3 of section 16 of *The Succession Duty Act* is repealed and the following substituted therefor:

- (3) The duty on property, passing upon the death, in respect to which any person is given such a general power to appoint as would, if he were *sui juris*, enable him to dispose of the property as he thinks fit, whether the power is exercisable by instrument *inter vivos* or by will or both, shall be paid in the same manner and at the same time as if the property itself had been given to the donee of the power.

Rev. Stat.,
c. 26, s. 17,
subs. 3,
repealed.

12. Subsection 3 of section 17 of *The Succession Duty Act* as amended by section 7 of *The Succession Duty Act, 1928*, is repealed and the following substituted therefor:

Payment
within three
months when
interest in
expectancy
falls into
possession.

- (3) The duty on any interest in expectancy, if not sooner paid, shall be due forthwith when such interest comes into possession and payable within three months thereafter, in which case the duty shall be on the value ascertained as provided herein as at the date of coming into possession, and no deduction shall be made by reason of duty paid or payable on any prior estate, income or interest, and if such duty is not so paid, interest at the rate of six per centum shall be charged and collected thereon from the date when such interest in expectancy came into possession.

Rev. Stat.,
c. 26, s. 18,
repealed.

13. Section 18 of *The Succession Duty Act* as amended by section 9 of *The Succession Duty Act, 1928*, is repealed and the following substituted therefor:

18. Upon the application of any person liable for the payment of duty the surrogate judge, or the Controller of Revenue, may from time to time on notice to the Treasurer and for just cause shown, make upon such terms as either may deem proper, an order extending the time fixed by this Act for payment thereof for any period in the aggregate, not exceeding one year or with the consent of the Treasurer, for a longer period, but, unless the judge or Controller otherwise order, the duty shall nevertheless bear interest at the rate of six per centum per annum from the day upon which such duty might have been paid without interest.

Extension of
time for
payment of
duty.

14. *The Succession Duty Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 26,
amended.

- 26.—(1) Where part of the property passing on the death of deceased, consists of bonds, debentures or inscribed stock issued under the provisions of any statute of the Province of Ontario exempting them from duty and such bonds, debentures or inscribed stock are not specifically bequeathed by the testator or disposed of by gift by him in his lifetime, then for the purposes of this Act, such bonds, debentures or inscribed stock shall be distributed among the beneficiaries in the same proportion as the whole of the personalty is distributed among them according to the provisions of the will of such deceased person, or if such deceased person died intestate, then such bonds, debentures or inscribed stock shall be distributed in the same manner as the personal estate of an intestate is distributed, according to the law of the province, state or country wherein such deceased person was domiciled at the time of his death.
- (2) Unless a contrary intention appears by the will of such deceased person, then for the purposes of this Act, there shall be charged to such bonds, debentures or inscribed stock, the proper proportion of the debts allowed under section 4 of this Act.

Distribution
of bonds,
debentures
or inscribed
stock exempt
from duty.

Charge to
such bonds,
etc.

BILL.
An Act to amend The Succession
Duty Act.

1st Reading

March 27th, 1931

2nd Reading

March 30th, 1931

3rd Reading

April 1st, 1931

MR. DUNLOP

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Colonization Roads Act.

MR. FINLAYSON

No. 173

1931

BILL

An Act to amend The Colonization Roads Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Colonization Roads Act, 1931*.

Rev. Stat.,
c. 37, s. 10,
subs. 3,
amended.

2. Subsection 3 of section 10 of *The Colonization Roads Act* is amended by striking out the words "twenty-five" in the fourth line and inserting in lieu thereof the word "fifty" so that the subsection will now read as follows:

Aid from
Province.

(3) Upon proof to the satisfaction of the Minister that any amount has been properly expended under the by-law, the Minister may direct the payment to the corporation of the municipality of a sum not exceeding fifty per centum of the amount so expended, and the sum named in the direction of the Minister shall be payable out of any moneys appropriated by the Legislature for the purposes of this section.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

This increases the amount of the provincial grant from twenty-five per centum of the amount spent by the municipality to fifty per centum of that amount.

BILL

An Act to amend The Colonization
Roads Act.

1st Reading

March 27th, 1931

2nd Reading

3rd Reading

MR. FINLAYSON

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Aid from
Province. (3) Upon proof to the satisfaction of the Minister that any amount has been properly expended under the by-law, the Minister may direct the payment to the corporation of the municipality of a sum not exceeding fifty per centum of the amount so expended, and the sum named in the direction of the Minister shall be payable out of any moneys appropriated by the Legislature for the purposes of this section.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Colonization
Roads Act.

1st Reading

March 27th, 1931

2nd Reading

March 30th, 1931

3rd Reading

April 1st, 1931

MR. FINLAYSON

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting Inspection of Public Institutions.

MR. MACAULAY

BILL

An Act respecting Inspection of Public Institutions.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Public Institutions Inspection Act, 1931*.

Interpretation.

2. In this Act,—

"Mental Hospital."

(a) "Mental Hospital" shall mean and include an Ontario hospital established under *The Hospitals for the Insane Act*, the Ontario Hospital, Woodstock, established under *The Ontario Hospital, Woodstock, Act*, a private sanitarium established under *The Private Sanitarium Act*, a psychiatric hospital, established under *The Psychiatric Hospitals Act, 1931*, and any other hospital, sanitarium or other institution for mental cases or insane persons in respect to which by any general or special Act this Act may be made applicable.

"Minister."

(b) "Minister" shall in respect to penal and reformatory institutions mean the Provincial Secretary and in respect to mental hospitals shall mean the Minister of Health.

"Penal and reformatory institution."

(c) "Penal and Reformatory institution" shall mean and include a reformatory established under *The Reformatory Act*, The Andrew Mercer Reformatory established under *The Andrew Mercer Reformatory Act*, an industrial refuge established under *The Female Refuges Act*, an industrial farm established under *The Industrial Farms Act*, a gaol or lock-up established under *The Municipal Act* or under *The Gaols Act* and any other prison, reformatory, industrial farm, gaol, or other institution or place for confinement or detention of prisoners and other

EXPLANATORY NOTES

General Note. The repeal of the existing *Prisons and Public Charities Inspection Act* (R.S.O. 1927, cap. 361), is rendered necessary by reason of the distribution of institutions covered by it among the several Departments, and some of the present sections will no longer be necessary.

The new Act entitled "*The Public Institutions Inspection Act*" is confined to matters in connection with inspection of prisons, gaols, reformatories, mental hospitals, and sanatoria, as all other institutions are covered by the separate Acts relating thereto which have been introduced at this Session.

The new Act makes no departure from the principles covered by the Inspection Act now to be repealed, and many of the previous detailed provisions as to the exact routine of inspection are omitted as properly they are matters to be covered by regulation.

Sections 10 to 12 of the new Act, similar in purport to sections 13 and 19 of the repealed Act are to enable the Departments to function in respect to prisoners and insane persons having regard to the close relationship of Dominion and Provincial control over such persons.

persons charged with or convicted of any offence against the laws of Canada or Ontario, in respect to which by any general or special Act of Canada or Ontario this Act may be made applicable.

"Regulations."

(d) "Regulations" shall mean regulations made under this Act.

Present
regulations
continued.

3. The regulations heretofore made governing or relating to mental hospitals and penal and reformatory institutions are confirmed and shall continue in force until altered or repealed by regulations made under this Act or any other Act.

Appoint-
ment of
inspectors.

4. The Lieutenant-Governor in Council may appoint inspectors of mental hospitals and of penal and reformatory institutions with such designations or titles as he may deem expedient.

Special
enquiry by
inspector.

5.—(1) Where an inspector is authorized by the Minister to institute an inquiry into the management or affairs of any mental hospital or penal or reformatory institution, as the case may be, or into any matter in connection therewith, or into the truth of any returns made by any officer thereof and deems that any person should give evidence before him on oath, the inspector shall have the same power to summon such person to attend as a witness, to enforce his attendance and to compel him to produce documents and to give evidence as any court has in civil cases.

(2) An inspector appointed under any other Act the administration of which is under the charge of the Minister may when authorized by the Minister exercise the powers conferred by subsection 1 in respect to any hospital or other institution subject to such other Act.

Regulations.

6. The Lieutenant-Governor in Council may make regulations in respect to mental hospitals and penal and reformatory institutions as may be deemed necessary for,—

- (a) the powers and duties of inspectors appointed under the authority of this Act;
- (b) their inspection, superintendence, government, management, conduct, operation, maintenance, care and use;
- (c) their superintendents, officers, staffs, servants, and employees, and the powers and duties thereof;

- (d) the admission, care, treatment, maintenance, conduct, discipline, punishment, transfer and discharge of patients in mental hospitals and prisoners, inmates and other persons confined or detained in penal and reformatory institutions;
- (e) their records, books, accounting systems, audits, reports and returns to be made and kept; and
- (f) generally, all other matters in any way relating to mental hospitals and penal and reformatory institutions.

Municipal regulations for gaols.

7. No by-law, rule or regulation of a municipality relating to a gaol or lock-up established or maintained by it shall have force or take effect until approved by the Provincial Secretary

Application of gaol regulations to court houses.

8. The provisions of the regulations as to the inspection of penal and reformatory institutions and the provisions of *The Gaols Act* as to the construction and repair of gaols shall, so far as may be, apply to court houses and lock-ups.

Limitation of actions, etc.

9. All actions and prosecutions against any person for anything done in pursuance of this Act shall be commenced within six months after the fact committed and not afterwards.

Designation of departmental officer.

10. The Minister may from time to time designate the officer or officers of his department who subject to his direction shall exercise the powers and duties conferred by statute or by the Lieutenant-Governor in Council upon the department or any officer or officers thereof or upon any officer of any other department in respect to any statute the administration of which is for the time being under the charge or assigned to the Minister and his department.

Powers of designated officer for transfers of prisoners, patients, etc.

11.—(1) Notwithstanding anything in this or any other Act contained, the Minister may designate the officer of his department who shall control and direct all admissions to penal and reformatory institutions and who may, if permitted by law, from time to time remove or transfer any prisoner, inmate or other person confined or detained therein from any said institution to any other said institution.

(2) Notwithstanding anything in this or any other Act contained the Minister may designate the officer of his department who shall control and direct all admissions to mental hospitals and who may, if permitted by law, from time to time remove or transfer any inmate or other person confined or detained therein from one mental hospital to another.

(3) Removals or transfers from a penal or reformatory institution to a mental hospital, or *vice versa*, may, if permitted by law, be made in accordance with the regulations.

Transfers to
public
hospitals.

(4) Where the Superintendent of a penal or reformatory institution or mental hospital reports to the officer of the said respective departments that any prisoner, inmate or other person confined or detained in any of said institutions requires hospital treatment which cannot be supplied therein, such officer shall, if otherwise permitted by law, have authority to transfer the prisoner, inmate or other such person to a public hospital for treatment, which cannot be supplied in the institution. The Superintendent or head shall report, in writing if possible, to the officer designated by the Minister who shall have authority to remove or transfer such prisoner, inmate or other person to any public hospital for treatment.

(5) The charges for such hospital treatment shall be paid by such prisoner, inmate or other person unless he is an indigent person in which case the charges shall be payable in the same manner as charges for indigent patients are payable under *The Public Hospitals Act, 1931*.

Removal of
convalescent
patients.

12. The officer designated by the Minister under section 10 may upon the report of an inspector direct that any person who is an inmate of a mental hospital and who appears to be sufficiently recovered to be cared for by his friends or whose mental condition is due to senility and his conduct is recorded as quiet and harmless and is a proper subject for care in a House of Refuge may direct that such patient be removed from the mental hospital and placed in the care of his friends or in a House of Refuge in the county in which he was a resident at the time of admission to the mental hospital, as the case may be, and in the latter case the Board of Management and Superintendent of such House of Refuge shall admit such person and maintain him therein.

Commence-
ment of Act.

13. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act respecting Inspection of Public
Institutions.

1st Reading

March 27th, 1931

2nd Reading

3rd Reading

MR. MACAULAY

No. 174

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting Inspection of Public Institutions.

MR. MACAULAY

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Inspection of Public Institutions.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Public Institutions Inspection Act, 1931*.

Interpretation.

2. In this Act,—

"Mental Hospital,"

(a) "Mental Hospital" shall mean and include an Ontario hospital established under *The Hospitals for the Insane Act*, the Ontario Hospital, Woodstock, established under *The Ontario Hospital, Woodstock, Act*, a private sanitarium established under *The Private Sanitarium Act*, a psychiatric hospital, established under *The Psychiatric Hospitals Act*, and any other hospital, sanitarium or other institution for mental cases or insane persons in respect to which by any general or special Act this Act may be made applicable.

"Minister."

(b) "Minister" shall in respect to penal and reformatory institutions mean the Provincial Secretary and in respect to mental hospitals shall mean the Minister of Health.

"Penal and reformatory institution."

(c) "Penal and Reformatory institution" shall mean and include a reformatory established under *The Reformatory Act*, The Andrew Mercer Reformatory established under *The Andrew Mercer Reformatory Act*, an industrial refuge established under *The Female Refuges Act*, an industrial farm established under *The Industrial Farms Act*, a gaol or lock-up established under *The Municipal Act* or under *The Gaols Act* and any other prison, reformatory, industrial farm, gaol, or other institution or place for confinement or detention of prisoners and other

persons charged with or convicted of any offence against the laws of Canada or Ontario, in respect to which by any general or special Act of Canada or Ontario this Act may be made applicable.

- (d) "Regulations" shall mean regulations made under ^{"Regulations."}
- this Act.

3. The regulations heretofore made governing or relating ^{Present regulations continued.} to mental hospitals and penal and reformatory institutions are confirmed and shall continue in force until altered or repealed by regulations made under this Act or any other Act.

4. The Lieutenant-Governor in Council may appoint ^{Appointment of inspectors.} inspectors of mental hospitals and of penal and reformatory institutions with such designations or titles as he may deem expedient.

5.—(1) Where an inspector is authorized by the Minister ^{Special enquiry by inspector.} to institute an inquiry into the management or affairs of any mental hospital or penal or reformatory institution, as the case may be, or into any matter in connection therewith, or into the truth of any returns made by any officer thereof and deems that any person should give evidence before him on oath, the inspector shall have the same power to summon such person to attend as a witness, to enforce his attendance and to compel him to produce documents and to give evidence as any court has in civil cases.

(2) An inspector appointed under any other Act the administration of which is under the charge of the Minister may when authorized by the Minister exercise the powers conferred by subsection 1 in respect to any hospital or other institution subject to such other Act.

6. The Lieutenant-Governor in Council may make ^{Regulations.} regulations in respect to mental hospitals and penal and reformatory institutions as may be deemed necessary for,—

- (a) the powers and duties of inspectors appointed under the authority of this Act;
- (b) their inspection, superintendence, government, management, conduct, operation, maintenance, care and use;
- (c) their superintendents, officers, staffs, servants, and employees, and the powers and duties thereof;

- (d) the admission, care, treatment, maintenance, conduct, discipline, punishment, transfer and discharge of patients in mental hospitals and prisoners, inmates and other persons confined or detained in penal and reformatory institutions;
- (e) their records, books, accounting systems, audits, reports and returns to be made and kept; and
- (f) generally, all other matters in any way relating to mental hospitals and penal and reformatory institutions.

Municipal regulations for gaols.

7. No by-law, rule or regulation of a municipality relating to a gaol or lock-up established or maintained by it shall have force or take effect until approved by the Provincial Secretary

Application of gaol regulations to court houses.

8. The provisions of the regulations as to the inspection of penal and reformatory institutions and the provisions of *The Gaols Act* as to the construction and repair of gaols shall, so far as may be, apply to court houses and lock-ups.

Limitation of actions, etc.

9. All actions and prosecutions against any person for anything done in pursuance of this Act shall be commenced within six months after the fact committed and not afterwards.

Designation of departmental officer.

10. The Minister may from time to time designate the officer or officers of his department who subject to his direction shall exercise the powers and duties conferred by statute or by the Lieutenant-Governor in Council upon the department or any officer or officers thereof or upon any officer of any other department in respect to any statute the administration of which is for the time being under the charge or assigned to the Minister and his department.

Powers of designated officer for transfers of prisoners, patients, etc.

11.—(1) Notwithstanding anything in this or any other Act contained, the Minister may designate the officer of his department who shall control and direct all admissions to penal and reformatory institutions and who may, if permitted by law, from time to time remove or transfer any prisoner, inmate or other person confined or detained therein from any said institution to any other said institution.

(2) Notwithstanding anything in this or any other Act contained the Minister may designate the officer of his department who shall control and direct all admissions to mental hospitals and who may, if permitted by law, from time to time remove or transfer any inmate or other person confined or detained therein from one mental hospital to another.

(3) Removals or transfers from a penal or reformatory institution to a mental hospital, or *vice versa*, may, if permitted by law, be made in accordance with the regulations.

(4) Where the Superintendent of a penal or reformatory institution or mental hospital reports to the officer of the said respective departments that any prisoner, inmate or other person confined or detained in any of said institutions requires hospital treatment which cannot be supplied therein, such officer shall, if otherwise permitted by law, have authority to transfer the prisoner, inmate or other such person to a public hospital for treatment, which cannot be supplied in the institution. The Superintendent or head shall report, in writing if possible, to the officer designated by the Minister who shall have authority to remove or transfer such prisoner, inmate or other person to any public hospital for treatment.

Transfers to
public
hospitals.

(5) The charges for such hospital treatment shall be paid by such prisoner, inmate or other person unless he is an indigent person in which case the charges shall be payable in the same manner as charges for indigent patients are payable under *The Public Hospitals Act, 1931*.

12. The officer designated by the Minister under section 10 may upon the report of an inspector direct that any person who is an inmate of a mental hospital and who appears to be sufficiently recovered to be cared for by his friends or whose mental condition is due to senility and his conduct is recorded as quiet and harmless and is a proper subject for care in a House of Refuge may direct that such patient be removed from the mental hospital and placed in the care of his friends or in a House of Refuge in the county in which he was a resident at the time of admission to the mental hospital, as the case may be, and in the latter case the Board of Management and Superintendent of such House of Refuge shall admit such person and maintain him therein.

Removal of
convalescent
patients.

13. *The Prisons and Public Charities Inspection Act*, being chapter 361 of the Revised Statutes of Ontario, 1927, is repealed.

Rev. Stat.,
c. 361,
repealed.

14. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

BILL

An Act respecting Inspection of Public
Institutions.

1st Reading

March 27th, 1931

2nd Reading

March 30th, 1931

3rd Reading

April 1st, 1931

MR. MACAULAY

.

No. 175

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Public Health Act.

MR. ROBB

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 175

1931

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Public Health Act, 1931, No. 2.*

Rev. Stat.,
c. 262, s. 1,
amended.

2.—(1) Section 1 of *The Public Health Act* is amended by adding thereto the following clause:

"Health
unit."

(cc) "Health unit" shall mean a county or two or more counties, or a municipality or two or more municipalities forming part of a county or in two or more counties, or a municipality or two or more municipalities in a territorial district, either alone or in conjunction with a school section or two or more school sections in unorganized territory.

Rev. Stat.,
c. 262
s. 1, cl. f,
amended.

(2) The clause lettered *f* in the said section 1 is amended by inserting after the word "municipality" at the end thereof the words "or of a health unit," so that the clause will now read as follows:

"Local
board."

(f) "Local board" shall mean the local board of health for any municipality or of a health unit.

Rev. Stat.,
c. 262,
amended.

3. *The Public Health Act* is amended by adding thereto the following section:

Health
unit,—
formation of.

34a.—(1) The council of a county, or the councils of two or more counties, or the councils of various municipalities, or of adjacent municipalities in the same county or in different counties, or the council of a municipality or of two or more municipalities in a territorial district, either alone or in conjunction with the trustees of a school section or of two or more school sections may enter into an agreement in writing for the formation of a health unit.

EXPLANATORY NOTES

Section 2.—(1) The clause added interprets "health unit" which is provided for by section 3 of this Bill.

(2) This enlarges the interpretation of "local board" to include a health unit.

Section 3. The proposed section 34*a* in its six subsections provides for the establishment of health units on the basis of combining municipalities, school sections in unorganized territory or counties and the appointment of the necessary staff.

Appoint-
ment and
salary of
M.O.H.

- (2) The appointment and salary of the medical officer of health for a health unit shall be provided for by the regulations and shall be subject to the approval of the Minister.

Powers and
duties.

- (3) Where a medical officer of health is appointed for a health unit, the provisions of this Act with respect to the appointment of municipal officers of health for the territory included in the health unit shall not apply and the powers and duties of a medical officer of health in any such municipality shall thenceforth be exercised and performed by the medical officer of health for the health unit.

Regulations.

- (4) The Minister, with the approval of the Lieutenant-Governor in Council may make regulations which may be general or particular in their application,—
- (a) respecting the establishment of a health unit;
 - (b) providing for the constitution of a board of health in any health unit, fixing the number of members and defining the powers of the board;
 - (c) prescribing the powers, qualifications, salary and duties of a medical officer of health in a health unit;
 - (d) respecting the appointment and the tenure of office of the medical officer of health in a health unit;
 - (e) apportioning any expense incurred in carrying out this section and the regulations among municipalities and school sections concerned.

Expenses,—
how borne
and paid.

- (5) The expenses incurred in carrying out the provisions of this Act and the regulations made thereunder with respect to a health unit shall be borne and paid in such proportion as may be agreed upon, or in default of agreement, in such proportion as may be fixed by the Minister, or in such manner as may be prescribed by the regulations.

Provincial
assistance.

- (6) Subject to the regulations where a health unit is established under this Act the Minister may grant such assistance for the establishment and maintenance of the health unit as he may deem proper and any such grant shall be payable out of any moneys appropriated by the Legislature for that purpose.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Public Health Act.

1st Reading

March 27th, 1931

2nd Reading

3rd Reading

MR. ROBB

No. 176

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Judicature Act.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Judicature Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- | | |
|--|---|
| Short title. | 1. This Act may be cited as <i>The Judicature Act, 1931</i> . |
| Rev. Stat.,
c. 88, s. 3,
repealed. | 2. Section 3 of <i>The Judicature Act</i> is repealed and the following substituted therefor: |
| Supreme
Court
continued. | 3. The Supreme Court shall continue to consist of two branches—The Appellate Division, which shall hereafter be known as “The Court of Appeal for Ontario” and The High Court Division, which shall hereafter be known as “The High Court of Justice for Ontario,” and <i>The Judicature Act</i> and Rules of Court shall be deemed to be amended throughout accordingly. |
| Jurisdiction. | |
| Rev. Stat.,
c. 88, s. 4,
repealed. | 3. Section 4 of <i>The Judicature Act</i> is repealed and the following substituted therefor: |
| The Court
of Appeal,—
how
constituted. | 4.—(1) Subject to the provisions of subsections 2 and 3, the Court of Appeal for Ontario shall consist of a Chief Justice who shall be the President thereof and shall be called the Chief Justice of Ontario, a Chief Justice who shall be called the Chief Justice in Appeal and eight other Judges to be called Justices of Appeal. |
| Reduction of
the Court of
Appeal when
vacancies
occur. | (2) When, and as from time to time, vacancies occur in the office of any Justices of Appeal, except the Chief Justice of Ontario, the number of Judges upon the Court of Appeal, shall be proportionately reduced until it consists of the Chief Justice of Ontario, the Chief Justice in Appeal, if any, and six Justices of Appeal, provided that upon a vacancy occurring in the office of the Chief Justice of Ontario, |

EXPLANATORY NOTES

Section 2. (s. 3) This renames the present branches of the Supreme Court, by calling The Appellate Division, "The Court of Appeal for Ontario" and by calling The High Court Division, "The High Court of Justice for Ontario."

Section 3 (s. 4).—(1) This continues The Appellate Division as "The Court of Appeal for Ontario" and continues the present composition under the new name.

(2) This provides that as vacancies occur, the Court shall be correspondingly reduced until it finally consists of the Chief Justice of Ontario and seven other Judges.

Vacancy in
office of
Chief Justice
of Ontario.

the number of Judges upon the Court shall not be reduced unless the resulting vacancy is filled by appointing one of the Justices of Appeal.

Chief Justice
in appeal.

- (3) The Chief Justice of the Second Divisional Court shall hereafter be designated the Chief Justice in Appeal, and section 6 and any other section or Rule of Court referring to the Chief Justice of the Second Divisional Court shall be deemed to be amended accordingly.

When a vacancy occurs in the office of the Chief Justice in Appeal, the office shall be abolished, but such abolition, if it occurs after the Court of Appeal is reduced to eight members, shall not further reduce the number of Justices on such Court.

Rev. Stat.,
c. 88, s. 5,
repealed.

4. Section 5 of *The Judicature Act* is repealed and the following substituted therefor:

The High
Court of
Justice,—
how
constituted.

- 5.—(1) The High Court of Justice for Ontario shall consist of a Chief Justice who shall be called the Chief Justice of the High Court and, subject to the provisions of subsection 3 of this section, eight other Judges.
- (2) The Chief Justice of the High Court shall be president of the High Court of Justice.
- (3) When, and as often as, vacancies occur in the Court of Appeal and that Court is reduced in number, as provided in section 4, the High Court shall be correspondingly increased in number until it shall consist of the Chief Justice and ten other Judges.

Rev. Stat.,
c. 88, s. 31,
subss. 1, 2,
repealed,
subss. 3, 4,
amended.

5. Subsections 1 and 2 of section 31 of *The Judicature Act* are repealed and subsections 3 and 4 are renumbered 1 and 2 respectively.

Rev. Stat.,
c. 88, s. 39,
repealed.

6. Section 39 of *The Judicature Act* is repealed and the following substituted therefor:

Divisional
Courts
merged in
the Court of
Appeal.

- 39.—(1) The present Divisional Courts of the Appellate Division shall be merged and form one Court, hereafter known as "The Court of Appeal for Ontario."
- (2) Every appeal to the Court of Appeal for Ontario, shall be heard before not less than three Justices of the Court sitting together, and always before an uneven number of Justices.

(3) This changes the name of the Chief Justice of the Second Divisional Court (that Court being abolished) to the Chief Justice in Appeal.

It provides that on a vacancy occurring, the office shall be abolished, but its abolition shall not reduce the number of the Court below eight members, that is eventually the Chief Justice and seven other Judges.

Section 4 (s. 5).—(1) This deals with The High Court of Justice, formerly The High Court Division, and continues the present constitution, subject to alteration as indicated in subsection 3.

(3) This subsection provides that the High Court shall be correspondingly increased in number as the Court of Appeal is reduced, until it finally consists of eleven members, the Chief Justice and ten other Judges.

Section 5 (s. 31). This repeals a provision that Courts shall be bound by previous decisions. The common law is in effect much the same and this change simply gives the Courts a little more latitude in following the precedents set by other Courts.

Section 6 (s. 39).—(1) This merges the present two Divisional Courts of the Appellate Division into one Court, called "The Court of Appeal for Ontario."

(2) This provides that appeals shall be heard before not less than three Judges and always before an uneven number.

At present the quorum is four for civil, and five for criminal cases. The even number, which permits a Court to divide, has not been very satisfactory and this subsection overcomes this.

(3) The Court of Appeal may sit in two divisions at the same time.

(4) The Justices to sit from time to time and the appeals to be heard, shall be determined by the Chief Justice of Ontario.

Rev. Stat.,
c. 88, s. 40,
repealed.

7. Section 40 of *The Judicature Act* is repealed and the following substituted therefor:—

Chief Justice
may assign
certain work.

40. The Chief Justice of Ontario may assign any Justice of Appeal, not sitting in the Court of Appeal, to perform, in Toronto, the work of a High Court Judge.

Rev. Stat.,
c. 88, s. 41,
repealed.

8. Section 41 of *The Judicature Act* is repealed and the following substituted therefor:—

Chief Justice
and Justices
of Appeal
not to be
assigned
certain work
without
consent.

41. Neither the Chief Justice of Ontario, nor any of the Justices of Appeal, shall, except as provided in section 40, without his consent, be assigned to, or required to perform any duty except as such appertains to him as a member of the Court of Appeal.

Rev. Stat.,
c. 88, s. 42,
repealed.

9. Section 42 of *The Judicature Act* is hereby repealed.

Rev. Stat.,
c. 88, s. 43,
repealed.

10. Section 43 of *The Judicature Act* is repealed and the following substituted therefor:—

Presiding
Chief Justice
or Judge.

43. The Chief Justice of Ontario when present, shall preside, and in his absence, the Chief Justice in Appeal, or in his absence, the Senior Justice present, shall preside.

The Judica-
ture Act
amended
generally.

11. *The Judicature Act* shall be deemed to be amended throughout in accordance with this Act.

Commence-
ment of Act.

12. This Act shall come into force on the first day of September, 1931.

(3) The Court of Appeal may also sit in two divisions.

(4) The Justices sitting in any division and the character of the appeals to be heard, are to be determined by the Chief Justice of Ontario.

Under the present system, each Judge is assigned to his own Court.

Section 7 (s. 40). At present there is some doubt as to whether the Chief Justice can assign an Appeal Justice to do High Court work, although it is constantly done. This gives direct authority to the Chief Justice to assign a Justice of Appeal to perform, in Toronto, High Court work.

Section 8 (s. 41). This is the same as the present law, except that it recognizes the authority given by section 7 to the Chief Justice, to assign certain High Court work to a Justice of Appeal.

Section 9 (s. 42). Section 42 of *The Judicature Act*, which is repealed, provides for a quorum of four Judges, which is out of harmony with the present Act, and also provides for five Judges hearing Controverted Election and Criminal appeals. These appeals will now be heard by a Court of three or more Judges, sitting in an uneven number.

Section 10 (s. 43). This merely continues the present practice and adapts it to the changed constitution of the Court of Appeal.

Section 11. As a number of detail changes are necessary throughout *The Judicature Act*, a general clause of this kind is necessary.

Section 12. This provides for the coming into force of the Act on September 1st next, which is just after the legal vacation, which enables matters in the meantime to be adjusted to suit the changed conditions.

BILL

An Act to amend The Judicature Act.

1st Reading

March 27th, 1931

2nd Reading

3rd Reading

MR. PRICE

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Judicature Act.

MR. PRICE

BILL

An Act to amend The Judicature Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title. 1. This Act may be cited as *The Judicature Act, 1931*.
- Rev. Stat.,
c. 88, s. 3,
repealed. 2. Section 3 of *The Judicature Act* is repealed and the following substituted therefor:
- Supreme
Court
continued. 3. The Supreme Court shall continue to consist of two branches—The Appellate Division, which shall hereafter be known as "The Court of Appeal for Ontario" and The High Court Division, which shall hereafter be known as "The High Court of Justice for Ontario," and *The Judicature Act* and Rules of Court shall be deemed to be amended throughout accordingly.
- Jurisdiction. 3. Section 4 of *The Judicature Act* is repealed and the following substituted therefor:
- Rev. Stat.,
c. 88, s. 4,
repealed. 4.—(1) Subject to the provisions of subsections 2 and 3, the Court of Appeal for Ontario shall consist of a Chief Justice who shall be the President thereof and shall be called the Chief Justice of Ontario, a Chief Justice who shall be called the Chief Justice in Appeal and eight other Judges to be called Justices of Appeal.
- The Court
of Appeal,—
how
constituted. (2) When, and as from time to time, vacancies occur in the office of any Justices of Appeal, except the Chief Justice of Ontario, the number of Judges upon the Court of Appeal, shall be proportionately reduced until it consists of the Chief Justice of Ontario, the Chief Justice in Appeal, if any, and six Justices of Appeal, provided that upon a vacancy occurring in the office of the Chief Justice of Ontario,
- Reduction of
the Court of
Appeal when
vacancies
occur. (2) When, and as from time to time, vacancies occur in the office of any Justices of Appeal, except the Chief Justice of Ontario, the number of Judges upon the Court of Appeal, shall be proportionately reduced until it consists of the Chief Justice of Ontario, the Chief Justice in Appeal, if any, and six Justices of Appeal, provided that upon a vacancy occurring in the office of the Chief Justice of Ontario,

the number of Judges upon the Court shall not be reduced unless the resulting vacancy is filled by appointing one of the Justices of Appeal.

Vacancy in
office of
Chief Justice
of Ontario.

- (3) The Chief Justice of the Second Divisional Court shall hereafter be designated the Chief Justice in Appeal, and section 6 and any other section or Rule of Court referring to the Chief Justice of the Second Divisional Court shall be deemed to be amended accordingly.

Chief Justice
in appeal.

When a vacancy occurs in the office of the Chief Justice in Appeal, the office shall be abolished, but such abolition, if it occurs after the Court of Appeal is reduced to eight members, shall not further reduce the number of Justices on such Court.

4. Section 5 of *The Judicature Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 88, s. 5,
repealed.

- 5.—(1) The High Court of Justice for Ontario shall consist of a Chief Justice who shall be called the Chief Justice of the High Court and, subject to the provisions of subsection 3 of this section, eight other Judges.

The High
Court of
Justice,—
how
constituted.

- (2) The Chief Justice of the High Court shall be president of the High Court of Justice.
- (3) When, and as often as, vacancies occur in the Court of Appeal and that Court is reduced in number, as provided in section 4, the High Court shall be correspondingly increased in number until it shall consist of the Chief Justice and ten other Judges.

5. Subsections 1 and 2 of section 31 of *The Judicature Act* are repealed and subsections 3 and 4 are renumbered 1 and 2 respectively.

Rev. Stat.,
c. 88, s. 31,
subss. 1, 2,
repealed,
subss. 3, 4,
amended.

6. Section 39 of *The Judicature Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 88, s. 39,
repealed.

- 39.—(1) The present Divisional Courts of the Appellate Division shall be merged and form one Court, hereafter known as "The Court of Appeal for Ontario."

Divisional
Courts
merged in
the Court of
Appeal

- (2) Every appeal to the Court of Appeal for Ontario, shall be heard before not less than three Justices of the Court sitting together, and always before an uneven number of Justices.

- (3) The Court of Appeal may sit in two divisions in alternate weeks or at the same time.
- (4) The Justices to sit from time to time and the appeals to be heard, shall be determined by the Chief Justice of Ontario.

Rev. Stat.,
c. 88, s. 40,
subs. 1, 2
and 3,
repealed.

7.—(1) Subsections 1, 2 and 3 of section 40 of *The Judicature Act* are repealed, and the following substituted therefor:

Chief Justice
may assign
certain work.

- (1) The Chief Justice of Ontario may assign any Justice of Appeal not sitting in the Court of Appeal to perform, in Toronto, the work of a High Court Judge.

Rev. Stat.,
c. 88, s. 40,
subs. 5,
amended.

(2) Subsection 5 of the said section 40 is amended by striking out the words and figures "Subsections 3 and 4" in the first line and inserting in lieu thereof the word and figure "subsection 2."

Rev. Stat.,
c. 88, s. 40,
subs. 4 to 8,
renumbered.

(3) Subsections 4, 5, 6, 7 and 8 of the said Act are renumbered 2, 3, 4, 5 and 6 respectively.

Rev. Stat.,
c. 88, s. 41,
repealed.

8. Section 41 of *The Judicature Act* is repealed and the following substituted therefor:—

Chief Justice
and Justices
of Appeal
not to be
assigned
certain work
without
consent.

41. Neither the Chief Justice of Ontario, nor any of the Justices of Appeal, shall, except as provided in section 40, without his consent, be assigned to, or required to perform any duty except as such appertains to him as a member of the Court of Appeal.

Rev. Stat.,
c. 88, s. 42,
repealed.

9. Section 42 of *The Judicature Act* is hereby repealed.

Rev. Stat.,
c. 88, s. 43,
repealed.

10. Section 43 of *The Judicature Act* is repealed and the following substituted therefor:—

Presiding
Chief Justice
or Judge.

43. The Chief Justice of Ontario when present, shall preside, and in his absence, the Chief Justice in Appeal, or in his absence, the Senior Justice present, shall preside.

The Judica-
ture Act
amended
generally.

11. *The Judicature Act* shall be deemed to be amended throughout in accordance with this Act.

Commence-
ment of Act.

12. This Act shall come into force on the first day of September, 1931.

BILL

An Act to amend The Judicature Act.

1st Reading

March 27th, 1931

2nd Reading

March 30th, 1931

3rd Reading

April 1st, 1931

MR. PRICE

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

The School Law Amendment Act, 1931.

MR. HENRY (East York)

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 177

1931

BILL

The School Law Amendment Act, 1931.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The School Law Amendment Act, 1931*.

Rev. Stat.,
c. 323, s. 1,
subs. 1, cl. j,
amended.

2. The clause lettered *j* in subsection 1 of section 1 of *The Public Schools Act* is amended by striking out the words "of the school section for public school rates" in the second and third lines and inserting in lieu thereof the words "as a public school supporter for the school section or municipality" so that the clause will now read as follows:

Rate-
payer,—
meaning of.

(*j*) "Ratepayer" shall mean person entered on the last revised assessment roll as a public school supporter for the school section or municipality.

Rev. Stat.,
c. 323, s. 44,
amended.

3. Section 44 of *The Public Schools Act* is amended by adding thereto the following subsection:

Taxes to
include
expense of
assessment
and
collection.

(3) Any assessments to be made and taxes to be collected under this section with respect to part of an unorganized township shall include as part thereof the proper proportion of the salaries and expenses of the officers making the said assessments and collecting the said taxes having regard to the ratio which the assessment in that part of the unorganized township bears to the total assessment of the union section.

Rev. Stat.,
c. 323, s. 60,
amended.

4. Section 60 of *The Public Schools Act* is amended by inserting after the word "municipality" in the first line the words "situate in an organized county" and by adding thereto the following subsection:

EXPLANATORY NOTES

Section 2. This enlargement of the definition of "ratepayer" will give meaning to subsection 2 of section 69 of the Act which it does not have otherwise.

Section 3. This is to meet a situation which has arisen in a township in one of the districts where in a union school section the public school supporters in a part of an unorganized township are under the present statutes relieved from paying any part of the cost of collecting their school taxes.

Section 4. This is to meet a situation which has arisen in a school section where there is no public school but where there is a separate school and a number of persons who should be separate school supporters who have no children have declared themselves to be public school supporters in order to escape separate school taxes.

- (2) In territory without county organization where a like condition exists the rates to be so levied on public school supporters shall be equal to those levied in the nearest organized municipality.

Rev. Stat.,
c. 323, s. 76,
amended. **5.** Section 76 of *The Public Schools Act* is amended by adding thereto the following subsection:

Who entitled
to vote at
elections
of school
trustees
in urban
municipalities.

- (6) Every person named in the last revised voters' list as being entitled to vote at municipal elections shall be entitled to vote at the election of school trustees in urban municipalities excepting persons who are assessed as supporters of separate schools and persons who are entered on such voters' list by reason of being the wife or husband of a person assessed as a separate school supporter.

Rev. Stat.,
c. 323, s. 85,
subss. 1, 3,
4, 5,
repealed.

6. Subsections 1, 3, 4 and 5 of section 85 of *The Public Schools Act* are repealed and the following substituted therefor:

Admission
of non-
resident
pupils.

- (1) The board shall admit to the school any non-resident pupil if the inspector reports that the accommodation is sufficient for the admission of such pupil and that the school is more accessible for him than the school in the section or urban municipality in which the pupil resides.

Resident of
one section
sending his
children to
another
section.

- (3) The parent or guardian shall be liable for the payment of all rates assessed on his taxable property for the purposes of the section in which he resides, but the board of that section or urban municipality shall remit to the parent or guardian any rates so payable to the extent of the amount of the fees so paid to the board of the neighbouring school.

Attendance
of children
of non-
residents.

- (4) Where the property of a non-resident is assessed for an amount equal to the average assessment of residents the children of such non-resident shall be admitted to the public school of the section or urban municipality on the same terms and conditions as the children of residents.

Remission of
school tax
where
certain fees
paid.

- (5) Where the children attending a neighbouring school reside three miles or more by the nearest public road from the school house in the section or urban municipality to which they belong, the board of the section or urban municipality in which such children reside shall remit so much of the taxes payable by the parents or guardians of such children for school purposes as equals the fees paid to the board of the neighbouring school.

Section 5. This brings the qualification of ratepayers for school purposes in urban municipalities into the same form as the section passed last year with regard to rural municipalities. Section 76 should have been amended last year.

Section 6. These subsections have been amended by inserting the words "or urban municipality" after the word "section," and by substituting "school" for "section" in the last line of subsection 3 and in the first and last lines of subsection 5. Much trouble has arisen owing to the fact that rural ratepayers frequently send their children to urban schools and then find difficulty in collecting from the rural boards the fees paid to urban boards and there have been a number of law suits.

Rev. Stat.,
c. 323, s. 88,
amended.

7. Section 88 of *The Public Schools Act* as amended by section 8 of *The School Law Amendment Act, 1930*, is further amended by adding thereto the following clauses:

Operation of
play-
grounds.

(cc) if deemed expedient, to provide and maintain such equipment as may be deemed advisable and to operate the playground as a park or playground and rink during the school term or in vacation or both, and to provide such supervision as the board may deem proper, provided the proper conduct of the school is not interfered with;

Organiza-
tion and
operation of
gymnasium.

(dd) if deemed expedient, to organize and carry on gymnasium classes in the school building for pupils or others during the school term or in vacation or both, and to provide supervision and training for such classes, provided the proper conduct of the school is not interfered with.

Rev. Stat.,
c. 325, s. 7,
subs. 2,
cl. bb,
(1930,
c. 63, s. 13)
amended.

8. The clause lettered *bb* in subsection 2 of section 7 of *The Continuation Schools Act* as enacted by section 13 of *The School Law Amendment Act, 1930*, is amended by striking out all the words therein after the word "value" in the eleventh line and inserting in lieu thereof the words: "but for the purposes of this clause the cost of education of county pupils shall not be deemed to include as part thereof any money paid by the local municipality of which such continuation school district is formed to the county by way of county taxation for pupils for the cost of whose education the county may be liable, but who attend schools in other counties, cities or separated towns or who attend a school in the county elsewhere than in the continuation school district in which they reside," so that the clause will now read as follows:

Cost of
education
of county
pupils,—
what to
include.

(bb) There shall be paid also by the county to a continuation school established in an incorporated town or village or in a consolidated school district the share of the costs of the education of county pupils which the area which constitutes a continuation school district of an incorporated town or village or a consolidated school district which maintains a continuation school paid to the county during the preceding year, as included in the rates levied by the county council according to the relative equalized value but for the purposes of this clause the cost of education of county pupils shall not be deemed to include as part thereof any money paid by the local municipality of which such continuation school district is formed to the county by way of county taxation for pupils for the cost of whose education the county may be liable, but who attend schools in

Section 7. This amendment is made at the request of certain school sections where playgrounds other than the school grounds are not easily available. A similar amendment is made to *The High Schools Act*.

Section 8. This is to clarify the amendment which was made in *The School Law Amendment Act, 1930*, about the meaning of which there has been some dispute.

other counties, cities or separated towns or who attend a school in the county elsewhere than in the continuation school district in which they reside.

Rev. Stat., c. 326, s. 23, amended. **9.** Section 23 of *The High Schools Act* as amended by section 9 of *The School Law Amendment Act, 1929*, is further amended by adding thereto the following clauses:

Operation of play-grounds.

(cc) if deemed expedient, to provide and maintain such equipment as may be deemed advisable and to operate the playground as a park or playground and rink during the school term or in vacation or both, and to provide such supervision as the Board may deem proper, provided the proper conduct of the school is not interfered with;

Organiza-tion and operation of gymnasium.

(ccc) if deemed expedient, to organize and carry on gymnasium classes in the school building for pupils or others during the school term or in vacation or both, and to provide supervision and training for such classes, provided the proper conduct of the school is not interfered with.

Rev. Stat., c. 326, s. 35, subs. 2a, (1930, c. 63, s. 16, subs. 2), amended.

10. Subsection 2a of section 35 of *The High Schools Act* as enacted by subsection 2 of section 16 of *The School Law Amendment Act, 1930*, is amended by striking out all the words therein after the word "board" in the eighth line and inserting in lieu thereof the words "but for the purposes of this subsection the cost of education of county pupils shall not be deemed to include as part thereof any money paid by the local municipality of which such high school district is formed, to the county by way of county taxation for pupils for the cost of whose education the county may be liable, but who attend schools in other counties, cities or separated towns or who attend a school in the county elsewhere than in the high school district in which they reside," so that the subsection will now read as follows:

Cost of education of county pupils,—what to include.

(2a) There shall be paid also by the county to the high school board the share of the cost of education of county pupils which the high school district which maintains the high school paid to the county during the preceding year as included in the rates levied by the county council according to the relative equalized value and the total amount so ascertained shall be the sum payable by the council to the board; but for the purposes of this subsection the cost of education of county pupils shall not be deemed to include as part thereof any money paid by the local municipality of which such high school district is formed to the county by way of county taxation for pupils

Section 9. This amendment is made at the request of certain school sections where playgrounds other than the school grounds are not easily available. A similar amendment is made to *The Public Schools Act*.

Section 10. This is the same as the amendment made to *The Continuation Schools Act* by section 8 of the Bill and is for the purpose of clarifying an amendment made in 1930 about the meaning of which there has been some dispute.

for the cost of whose education the county may be liable, but who attend schools in other counties, cities or separated towns or who attend a school in the county elsewhere than in the high school district in which they reside.

Rev. Stat.,
c. 326, s. 37,
amended.

11. Section 37 of *The High Schools Act* as amended by section 10 of *The School Law Amendment Act, 1929*, is further amended by adding thereto the following subsection:

Procedure
before city
or separated
town can
collect from
county the
cost of
education of
county
pupils.

(1a) The board of a city or separated town shall not be entitled to collect from a county the cost of education of any county pupil until,—

(a) the board has furnished to the clerk of the county in which the pupil resides, a statement showing the average assessment of ratepayers in the school district in which the school is situate;

(b) a statement signed by a parent or guardian of such pupil showing whether or not the said parent or guardian is assessed within the district in which the school is situate, and if so assessed the amount of such assessment, such statement to be submitted to the county clerk along with the account for tuition of county pupils.

Rev. Stat.,
c. 326, s. 53,
subs. 1,
repealed.

12. Subsection 1 of section 53 of *The High Schools Act* is repealed and the following substituted therefor:

Proportion
of salary to
which
teacher
entitled.

(1) Every agreement between a board and a teacher shall be in writing, signed by the parties thereto and sealed with the seal of the board and, unless expressly agreed, a teacher shall be entitled to be paid his salary in the proportion which the total number of days during which he has taught, bears to the whole number of teaching days in the year.

Rev. Stat.,
c. 326, s. 56,
subss. 1, 2,
repealed.

13. Subsections 1 and 2 of section 56 of *The High Schools Act* are repealed and the following substituted therefor:

Terms.

(1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December and the second of which shall begin on the 3rd day of January and end on the 29th day of June.

Holidays.

(2) Every Saturday, every public holiday, the week following Easter Day and every day proclaimed a

Section 11. Complaint has been made that the county councils are paying for the cost of education of pupils who are classified as "county pupils" when, on account of their parents or guardians holding property in the municipality where the school they attend is situate, they should be classed as "resident pupils."

Section 12. This is to make *The High Schools Act* conform to conditions governing agreements between teachers and boards.

Section 13. The proposed amendment conforms to the corresponding section in *The Public Schools Act*.

holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health Act* or the regulations of the Department of Education, shall be a school holiday.

Rev. Stat.,
c. 262.

Rev. Stat.,
c. 327, s. 3,
amended.

14. Section 3 of *The Boards of Education Act* is amended by adding thereto the following subsection:

Procedure
where full
number of
elective
members
nominated.

- (6a) Where at any election the full number of elective members are nominated or declared elected, or where more than the full number of required members are nominated and subsequently, by reason of failure to qualify or otherwise, no more than the full number of elective members remain in nomination, then at the next election, members shall be nominated to serve for two years or one year as the case may be.

1930, c. 64,
amended.

15. *The Vocational Education Act* is amended by adding thereto the following Part:

PART III.

JOINT VOCATIONAL SCHOOL BOARDS IN SPECIAL VOCATIONAL SCHOOL DISTRICTS.

Vocational
school
district,—
establish-
ment of.

- 24.—(1) The Minister, upon the application of the boards of two or more municipalities made with the approval of the councils of such municipalities, may establish and designate the municipalities as a vocational school district for the purposes of this Act.

Applica-
tion,—by
whom to be
made.

- (2) Where no board exists in a municipality, the application in respect of such municipality may be made by the board of public school trustees and the board of separate school trustees of the municipality, or if in such municipality there is only a board either of public school trustees or separate school trustees, the application may be made by such board.

Name of
district.

- (3) A vocational school district established under this section shall be known by such name as may be designated by the Minister.

Board of
trustees,—
appoint-
ment of.

- 25.—(1) There shall be appointed for every vocational school district established under section 24 a joint board of trustees to be known as "The Vocational School Board," composed of three members from each of the municipalities within the vocational school district and appointed in the following manner:

Section 14. This is to provide for a situation which has developed in the Town of Sandwich where owing to certain members of the board failing to qualify the board has become an acclamation board.

Section 15. This is to meet a situation arising mainly in suburban industrial areas where there are no high schools to operate vocational schools in the usual way or where it would be to the advantage of the municipalities to combine in a vocational school district.

- (a) In a municipality having a board, the three members shall be appointed by such board, two of the appointees to be members of the board;
- (b) In a municipality having no board but having a public school board and a separate school board, two members shall be appointed by the public school board, one of whom shall be a member of the said board, and one member by the separate school board who shall be a member of that board;
- (c) In a municipality having no board and having a public school board only, three members shall be appointed by the said board two of whom shall be members of such board.
- (d) Where a vocational school district is composed of municipalities, any one or more of which is not separated from the county, the county council shall appoint three members to the vocational school board.

Qualifica-
tion of
members.

- (2) The third member to be appointed under clauses *a*, *b* and *c* and the three members to be appointed under clause *d* shall be British subjects, of the full age of twenty-one years, who are interested in the development of vocational education and are engaged in either the manufacturing, agricultural, commercial or other industries of the municipality which they represent.

Term of
office.

- (3) All appointees under subsection 1 shall hold office for one year.

Powers of
board.

- 26. The board so created shall have the powers of the boards of education, high school boards, continuation school boards and the public and separate school boards for the said vocational school district for the purposes of *The Vocational Education Act, 1930*, and amendments thereto, and shall be a corporation by the name of "The Vocational School Board."

By-laws
passed by
council on
application
of board.

- 27.—(1) The council of any municipality included within the district on the application of the board, may pass a by-law for borrowing money by the issue and sale of debentures for the purchase of a site and the erection of a school, and for the extensions, equipment, improvements, repairs or furnishings, and it

shall not be necessary that the by-law shall be submitted to the electors for their assent, but if the council of any of the municipalities refuses to pass such by-law it shall, if requested by the board, submit the same to a vote of the electors qualified to vote on money by-laws under *The Municipal Act*, and on the assent of such electors being obtained shall finally pass the by-law and issue such debentures if the other municipalities are likewise providing their share.

Amount of debentures.

- (2) The debentures may be for such amount and run such number of years, not exceeding thirty, as the council may see fit.

Amounts to be raised by council.

- (3) The amounts to be raised respectively by the council of each municipality in the vocational school district for the said purposes shall be the proportion that the last revised assessment of such municipality, multiplied by the population, as determined by the last enumeration of the assessors, bears to the total assessment of the municipalities comprising the vocational school district, multiplied by the total population of such municipalities, as similarly determined.

Contributions by municipal councils to vocational schools.

28. The municipal councils comprising a vocational school district shall contribute to the maintenance of a vocational school erected under the provisions of section 27 hereof in the same proportion as is provided in subsection 3 of the said section for the purposes enumerated in subsection 1 thereof, and each council forming part of a vocational school district upon the request of the vocational school board within such district shall levy and collect in each year within its municipality in the same manner as other municipal taxes, the amounts determined by the vocational school board as necessary for the said purpose.

Rev. Stat., c. 4, amended.

- 16.** *The Haliburton Act* is amended by adding thereto the following section:

CONTINUATION AND HIGH SCHOOL GRANTS.

Liability of county of Haliburton.

17. The liability of the county of Haliburton for the equivalent of the continuation school and high school grants under *The Continuation Schools Act* and *The High Schools Act* and for the cost of education of county pupils where such cost exceeds these grants,

Rev. Stat., cc. 325, 326.

Section 16. This amendment is necessitated by the economic situation in many parts of the County of Haliburton.

shall be payable one-third by the county and two-thirds out of the provincial grants for secondary schools upon the requisition of the Minister of Education.

Rev. Stat.,
c. 246, s. 77,
repealed.

17. Section 77 of *The Public Libraries Act* is repealed.

Commence-
ment of Act.

18. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 17. The section repealed places the granting of permits to lending and circulating libraries in the hands of the Minister of Education. The inspection of such libraries by officers of the Department to ascertain whether or not objectionable literature is being circulated from them has been found to be impracticable. The matter would be much better left in the hands of the local police and morality officers.

BILL

The School Law Amendment Act, 1931.

1st Reading

March 27th, 1931

2nd Reading

3rd Reading

MR. HENRY (East York)

No. 177

2ND SESSION, 18TH LEGISLATURE, ONTARIO
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Short title. **1.** This Act may be cited as *The School Law Amendment Act, 1931*.

Rev. Stat.,
c. 323, s. 1, cl.
j, amended. **2.** The clause lettered *j* in section 1 of *The Public Schools Act* is amended by striking out the words "of the school section for public school rates" in the second and third lines and inserting in lieu thereof the words "as a public school supporter for the school section or municipality" so that the clause will now read as follows:

Rate-
payer,—
meaning of. (*j*) "Ratepayer" shall mean person entered on the last revised assessment roll as a public school supporter for the school section or municipality.

Rev. Stat.,
c. 323, s. 44,
amended. **3.** Section 44 of *The Public Schools Act* is amended by adding thereto the following subsection:

Taxes to
include
expense of
assessment
and
collection. (*3*) Any assessments to be made and taxes to be collected under this section with respect to part of an unorganized township shall include as part thereof the proper proportion of the salaries and expenses of the officers making the said assessments and collecting the said taxes having regard to the ratio which the assessment in that part of the unorganized township bears to the total assessment of the union section.

Rev. Stat.,
c. 323, s. 60,
amended. **4.** Section 60 of *The Public Schools Act* is amended by inserting after the word "municipality" in the first line the words "situate in an organized county" and by adding thereto the following subsection:

- (2) In territory without county organization where a like condition exists the rates to be so levied on public school supporters shall be equal to those levied in the nearest organized municipality.

5. Subsection 5 of section 76 of *The Public Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 323, s. 76,
subs. 5
repealed.

- (5) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions, containing the names of the candidates in the same form *mutatis mutandis* as those used for councillors or aldermen, and no ballot shall be delivered to any person who is entered on the list of voters as a separate school supporter or by reason of being the wife or husband of a separate school supporter.

Who entitled
to vote at
elections
of school
trustees
in urban
municipalities.

6. Subsections 1, 3, 4 and 5 of section 85 of *The Public Schools Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 323, s. 85,
subs. 1, 3,
4, 5,
repealed.

- (1) The board shall admit to the school any non-resident pupil if the inspector reports that the accommodation is sufficient for the admission of such pupil and that the school is more accessible for him than the school in the section or urban municipality in which the pupil resides.

Admission
of non-
resident
pupils.

- (3) The parent or guardian shall be liable for the payment of all rates assessed on his taxable property for the purposes of the section or urban municipality in which he resides, but the board of that section or urban municipality shall remit to the parent or guardian any rates so payable to the extent of the amount of the fees so paid to the board of the neighbouring school.

Resident of
one section
sending his
children to
another
section.

- (4) Where the property of a non-resident is assessed for an amount equal to the average assessment of residents the children of such non-resident shall be admitted to the public school of the section or urban municipality on the same terms and conditions as the children of residents.

Attendance
of children
of non-
residents.

- (5) Where the children attending a neighbouring school reside three miles or more by the nearest public road from the school house in the section or urban municipality to which they belong, the board of the section or urban municipality in which such children reside shall remit so much of the taxes payable by the parents or guardians of such children for school purposes as equals the fees paid to the board of the neighbouring school.

Remission of
school tax
where
certain fees
paid.

Rev. Stat.,
c. 323, s. 88,
amended.

7. Section 88 of *The Public Schools Act* as amended by section 8 of *The School Law Amendment Act, 1930*, is further amended by adding thereto the following clauses:

Operation of
play-
grounds.

(cc) if deemed expedient, to provide and maintain such equipment as may be deemed advisable and to operate the playground as a park or playground and rink during the school term or in vacation or both, and to provide such supervision as the board may deem proper, provided the proper conduct of the school is not interfered with;

Organiza-
tion and
operation of
gymnasium.

(dd) if deemed expedient, to organize and carry on gymnasium classes in the school building for pupils or others during the school term or in vacation or both, and to provide supervision and training for such classes, provided the proper conduct of the school is not interfered with.

Rev. Stat.,
c. 325, s. 7,
subs. 2,
cl. bb,
(1930,
c. 63, s. 13)
amended.

8. The clause lettered *bb* in subsection 2 of section 7 of *The Continuation Schools Act* as enacted by section 13 of *The School Law Amendment Act, 1930*, is amended by striking out all the words therein after the word "value" in the eleventh line and inserting in lieu thereof the words: "but for the purposes of this clause the cost of education of county pupils shall not be deemed to include as part thereof any money paid by the local municipality of which such continuation school district is formed to the county by way of county taxation for pupils for the cost of whose education the county may be liable, but who attend schools in other counties, cities or separated towns or who attend a school in the county elsewhere than in the continuation school district in which they reside," so that the clause will now read as follows:

Cost of
education
of county
pupils,—
what to
include.

(bb) There shall be paid also by the county to a continuation school established in an incorporated town or village or in a consolidated school district the share of the cost of the education of county pupils which the area which constitutes a continuation school district of an incorporated town or village or a consolidated school district which maintains a continuation school paid to the county during the preceding year, as included in the rates levied by the county council according to the relative equalized value but for the purposes of this clause the cost of education of county pupils shall not be deemed to include as part thereof any money paid by the local municipality of which such continuation school district is formed to the county by way of county taxation for pupils for the cost of whose education the county may be liable, but who attend schools in

other counties, cities or separated towns or who attend a school in the county elsewhere than in the continuation school district in which they reside.

9. Section 23 of *The High Schools Act* as amended by section Rev. Stat., c. 326, s. 23, 9 of *The School Law Amendment Act, 1929*, is further amended amended. by adding thereto the following clauses:

(cc) if deemed expedient, to provide and maintain such Operation of play-grounds. equipment as may be deemed advisable and to operate the playground as a park or playground and rink during the school term or in vacation or both, and to provide such supervision as the Board may deem proper, provided the proper conduct of the school is not interfered with;

(ccc) if deemed expedient, to organize and carry on Organiza-tion and operation of gymnasium. gymnasium classes in the school building for pupils or others during the school term or in vacation or both, and to provide supervision and training for such classes, provided the proper conduct of the school is not interfered with.

10. Subsection 2a of section 35 of *The High Schools Act* as Rev. Stat., c. 326, s. 35 enacted by subsection 2 of section 16 of *The School Law Amendment Act, 1930*, is amended by striking out all the subs. 2a, (1930, c. 63, s. 16, subs. 2), amended. words therein after the word "board" in the eighth line and inserting in lieu thereof the words "but for the purposes of this subsection the cost of education of county pupils shall not be deemed to include as part thereof any money paid by the local municipality of which such high school district is formed, to the county by way of county taxation for pupils for the cost of whose education the county may be liable, but who attend schools in other counties, cities or separated towns or who attend a school in the county elsewhere than in the high school district in which they reside," so that the subsection will now read as follows:

(2a) There shall be paid also by the county to the high Cost of education of county pupils,—what to include. school board the share of the cost of education of county pupils which the high school district which maintains the high school paid to the county during the preceding year as included in the rates levied by the county council according to the relative equalized value and the total amount so ascertained shall be the sum payable by the council to the board; but for the purposes of this subsection the cost of education of county pupils shall not be deemed to include as part thereof any money paid by the local municipality of which such high school district is formed to the county by way of county taxation for pupils

for the cost of whose education the county may be liable, but who attend schools in other counties, cities or separated towns or who attend a school in the county elsewhere than in the high school district in which they reside.

Rev. Stat.,
c. 326, s. 37,
amended.

11. Section 37 of *The High Schools Act* as amended by section 10 of *The School Law Amendment Act, 1929*, is further amended by adding thereto the following subsection:

Procedure
before city
or separated
town can
collect from
county the
cost of
education of
county
pupils.

(1a) The board of a city or separated town shall not be entitled to collect from a county the cost of education of any county pupil until,—

(a) the board has furnished to the clerk of the county in which the pupil resides, a statement showing the average assessment of ratepayers in the school district in which the school is situate;

(b) a statement signed by a parent or guardian of such pupil showing whether or not the said parent or guardian is assessed within the district in which the school is situate, and if so assessed the amount of such assessment, such statement to be submitted to the county clerk along with the account for tuition of county pupils.

Rev. Stat.,
c. 326, s. 53,
subs. 1,
repealed.

12. Subsection 1 of section 53 of *The High Schools Act* is repealed and the following substituted therefor:

Proportion
of salary to
which
teacher
entitled.

(1) Every agreement between a board and a teacher shall be in writing, signed by the parties thereto and sealed with the seal of the board and, unless otherwise expressly agreed, a teacher shall be entitled to be paid his salary in the proportion which the total number of days during which he has taught, bears to the whole number of teaching days in the year.

Rev. Stat.,
c. 326, s. 56,
subss. 1, 2,
repealed.

13. Subsections 1 and 2 of section 56 of *The High Schools Act* are repealed and the following substituted therefor:

Terms.

(1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December and the second of which shall begin on the 3rd day of January and end on the 29th day of June.

Holidays.

(2) Every Saturday, every public holiday, the week following Easter Day and every day proclaimed a

holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health Act* or the regulations of the Department of Education, shall be a school holiday. Rev. Stat., c. 262.

14. Section 3 of *The Boards of Education Act* is amended by adding thereto the following subsection: Rev. Stat., c. 327, s. 3, amended.

(6a) Where at any election the full number of elective members are nominated or declared elected, or where more than the full number of required members are nominated and subsequently, by reason of failure to qualify or otherwise, no more than the full number of elective members remain in nomination, then at the next election, members shall be nominated to serve for two years or one year as the case may be. Procedure where full number of elective members nominated.

15. *The Vocational Education Act* is amended by adding thereto the following Part: 1930, c. 64, amended.

PART III.

JOINT VOCATIONAL SCHOOL BOARDS IN SPECIAL VOCATIONAL SCHOOL DISTRICTS.

- 24.—(1) The Minister, upon the application of the boards of two or more municipalities made with the approval of the councils of such municipalities, may establish and designate the municipalities as a vocational school district for the purposes of this Act. Vocational school district,—establishment of.
- (2) Where no board exists in a municipality, the application in respect of such municipality may be made by the board of public school trustees and the board of separate school trustees of the municipality, or if in such municipality there is only a board either of public school trustees or separate school trustees, the application may be made by such board. Application,—by whom to be made.
- (3) A vocational school district established under this section shall be known by such name as may be designated by the Minister. Name of district.
- 25.—(1) There shall be appointed for every vocational school district established under section 24 a joint board of trustees to be known as "The Vocational School Board," composed of three members from each of the municipalities within the vocational school district and appointed in the following manner: Board of trustees,—appointment of.

- (a) In a municipality having a board, the three members shall be appointed by such board, two of the appointees to be members of the board;
- (b) In a municipality having no board but having a public school board and a separate school board, two members shall be appointed by the public school board, one of whom shall be a member of the said board, and one member by the separate school board who shall be a member of that board;
- (c) In a municipality having no board and having a public school board only, three members shall be appointed by the said board two of whom shall be members of such board.
- (d) Where a vocational school district is composed of municipalities, any one or more of which is not separated from the county, the county council shall appoint three members to the vocational school board.

Qualifica-
tion of
members.

- (2) The third member to be appointed under clauses *a*, *b* and *c* and the three members to be appointed under clause *d* shall be British subjects, of the full age of twenty-one years, who are interested in the development of vocational education and are engaged in either the manufacturing, agricultural, commercial or other industries of the municipality which they represent.

Term of
office.

- (3) All appointees under subsection 1 shall hold office for one year.

Powers of
board.

- 26. The board so created shall have the powers of the boards of education, high school boards, continuation school boards and the public and separate school boards for the said vocational school district for the purposes of *The Vocational Education Act, 1930*, and amendments thereto, and shall be a corporation by the name of "The Vocational School Board."

By-laws
passed by
council on
application
of board.

- 27.—(1) The council of any municipality included within the district on the application of the board, may pass a by-law for borrowing money by the issue and sale of debentures for the purchase of a site and the erection of a school, and for the extensions, equipment, improvements, repairs or furnishings, and it

shall not be necessary that the by-law shall be submitted to the electors for their assent, but if the council of any of the municipalities refuses to pass such by-law it shall, if requested by the board, submit the same to a vote of the electors qualified to vote on money by-laws under *The Municipal Act*, and on the assent of such electors being obtained shall finally pass the by-law and issue such debentures if the other municipalities are likewise providing their share.

- (2) The debentures may be for such amount and run such number of years, not exceeding thirty, as the council may see fit. Amount of debentures.
- (3) The amounts to be raised respectively by the council of each municipality in the vocational school district for the said purposes shall be the proportion that the last revised assessment of such municipality, multiplied by the population, as determined by the last enumeration of the assessors, bears to the total assessment of the municipalities comprising the vocational school district, multiplied by the total population of such municipalities, as similarly determined. Amounts to be raised by council.
28. The municipal councils comprising a vocational school district shall contribute to the maintenance of a vocational school erected under the provisions of section 27 hereof in the same proportion as is provided in subsection 3 of the said section for the purposes enumerated in subsection 1 thereof, and each council forming part of a vocational school district upon the request of the vocational school board within such district shall levy and collect in each year within its municipality in the same manner as other municipal taxes, the amounts determined by the vocational school board as necessary for the said purpose. Contributions by municipal councils to vocational schools.

16. *The Haliburton Act* is amended by adding thereto the following section: Rev. Stat., c. 4, amended.

CONTINUATION AND HIGH SCHOOL GRANTS.

17. The liability of the county of Haliburton for the equivalent of the continuation school and high school grants under *The Continuation Schools Act* and *The High Schools Act* and for the cost of education of county pupils where such cost exceeds these grants, Liability of county of Haliburton. Rev. Stat., cc. 325, 326.

shall be payable one-third by the county and two-thirds out of the provincial grants for secondary schools upon the requisition of the Minister of Education.

Rev. Stat.,
c. 246, s. 77,
repealed.

17. Section 77 of *The Public Libraries Act* is repealed.

Commence-
ment of Act.

18. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

The School Law Amendment Act, 1931.

1st Reading

March 27th, 1931

2nd Reading

March 30th, 1931

3rd Reading

April 1st, 1931

MR. HENRY (East York)

No. 178

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Highway Improvement Act.

MR. HENRY (East York)

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 178

1931

BILL

An Act to amend The Highway Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Highway Improvement Act, 1931*.

Rev. Stat.,
c. 54, s. 1,
cls. b, g,
repealed.

2. The clauses lettered *b* and *g* in section 1 of *The Highway Improvement Act* are repealed and the following substituted therefor:

"Department."

(*b*) "Department" shall mean Department of Highways;

"Minister."

(*g*) "Minister" shall mean Minister of Highways.

Rev. Stat.,
c. 54, s. 11,
amended.

3. Section 11 of *The Highway Improvement Act* is amended by striking out the words "Minister of Public Works and Highways" at the commencement thereof and inserting in lieu thereof the words "Minister of Highways."

Rev. Stat.,
c. 54, s. 14,
subs. 1,
repealed.

4.—(1) Subsection 1 of section 14 of *The Highway Improvement Act* as amended by subsection 1 of section 2 of *The Highway Improvement Act, 1929*, is repealed and the following substituted therefor:

Debentures.

(1) Subject to the provisions of subsection 1*a* the council of any county may from time to time pass by-laws to raise by debentures payable in not more than twenty years in the manner provided by *The Municipal Act*, such sums as may be necessary to meet the actual expenditure for the construction and improvement of highways under this Act not exceeding five per centum of the equalized assessment of the county, or the council may by by-law provide that the required amount shall be raised in equal annual instalments by a general county rate levied in each successive year for a period not exceeding ten years

Rev. Stat.,
c. 233.

EXPLANATORY NOTES

Section 2. This section is necessitated by the changes made in the ministry and by the setting aside of a separate Department of Highways.

Section 3. This merely substitutes the "Minister of Highways" for the "Minister of Public Works and Highways."

Section 4.—(1) No change has been made in this subsection except that the word "actual" has been substituted for the word "estimated" in the fifth line and the words "under Part II and Part III of this Act" have been inserted in the second to last line.

but such amount shall not exceed five per centum of the equalized assessment of the county and the provisions of this Act shall apply to any money heretofore or hereafter so provided as fully as if debentures had been issued whether a by-law transferring such money to a special account under Part II and Part III of this Act has or has not been passed.

Rev. Stat.,
c. 54, s. 14,
subs. 1a
(1929, c. 17,
s. 2, subs. 2),
amended.

(2) Subsection 1a of the said section 14 as enacted by subsection 2 of section 2 of *The Highway Improvement Act, 1929*, is amended by striking out the words "and levied" in the fourth and fifth lines, so that the subsection will now read as follows:

Limit of
amount of
county rate.

(1a) Where the council of a county has paid over moneys raised on sinking fund account to the Treasurer of Ontario under the provisions of sections 319 to 323 of *The Municipal Act*, the amount to be raised for the construction and improvement of highways under subsection 1 may be a sum not exceeding the total amount so in the hands of the Treasurer of Ontario with five per centum of the equalized assessment of the county added thereto.

Rev. Stat.,
c. 233.

Rev. Stat.,
c. 54, s. 14,
subs. 3,
amended.

(3) Subsection 3 of the said section 14 is amended by adding thereto the words "and the council of the county may pass a by-law or by-laws to raise by debentures in the same manner as provided in subsection 1, such sums as may be necessary to repay such temporary advances," so that the subsection will now read as follows:

Temporary
advances.

(3) The council of the county may agree with any chartered bank or loan or trust corporation or with any person for temporary advances to meet the cost of the work in progress, but the total of such temporary advances shall not exceed in any one year the amount to be provided by the corporation of the county, together with the proportion of aid to be received from the Province, and the amount receivable from cities and towns as contributions on account of suburban roads under Part III, and the council of the county may pass a by-law or by-laws to raise by debentures in the same manner as provided in subsection 1, such sums as may be necessary to repay such temporary advances.

Commence-
ment of
subs. 1.

(4) The amendment made by this section shall have effect as from the 1st day of January, 1930.

Rev. Stat.,
c. 54, s. 26,
subs. 1,
amended.

5.—(1) Subsection 1 of section 26 of *The Highway Improvement Act* is amended by striking out all the words in the first

(2) This amendment meets a technical objection made by some of the solicitors for bond brokers to the use of the expression "raised and levied." County rates are not "levied" in the technical sense of the word.

(3) Subsection 3 as it now stands authorizes the county council to arrange for temporary advances from a chartered bank, loan corporation or any other person to meet the cost of work while it is in progress. The object of the amendment is to enable the county to issue debentures to repay the advances so made.

(4) This sets out the date on which the amendments made by section 4 of the Bill shall take effect.

Section 5.—(1) The language used in the section as it now stands is not considered sufficiently explicit to include the absolute widening of the right-of-way and is understood to sanction only the widening of the pavement.

four lines and inserting in lieu thereof the words "the council of a township, town or incorporated village may enter into an agreement with the council of the county providing for the widening of the right-of-way or for the construction of a wider pavement or other special construction upon a county road in such township, town or," so that the said subsection will now read as follows:

Agreement
between
local muni-
cipality and
county for
widening
streets and
pavements.

- (1) The council of a township, town or incorporated village may enter into an agreement with the council of the county providing for the widening of the right-of-way, or for the construction of a wider pavement or other special construction upon a county road in such township, town or incorporated village, and the agreement may provide that the cost of the work over and above the amount paid by the county under the provisions of this Act and amendments thereto shall be assessed under and according to the provisions of *The Local Improvement Act* against the owners to be specially benefited and against the township, town or incorporated village respectively according to the report of an engineer.

Rev. Stat.,
c. 54, s. 26,
subs. 2,
amended.

- (2) Subsection 2 of the said section 26 is amended by adding thereto the words "and it shall not be necessary to obtain the assent of the electors to any such by-laws nor observe the other formalities in relation thereto prescribed by *The Municipal Act*, so that the said subsection will now read as follows:

Debentures
for excess
cost to local
municipal-
ity.

- (2) The council of the township, town or incorporated village may pass by-laws to raise by debentures, payable in not more than twenty years such sum as may be necessary to meet such excess cost and such debentures shall be a debt payable by the corporation, but the rate for the payment of any debentures so issued shall be levied and collected upon and from the property liable to assessment in the said township, town or incorporated village according to the assessment made by such engineer and it shall not be necessary to obtain the assent of the electors to any such by-laws nor observe the other formalities in relation thereto prescribed by *The Municipal Act*.

Rev. Stat.,
c. 233.

Rev. Stat.,
c. 54, s. 28,
subs. 2,
amended.

- 6.**—(1) Subsection 2 of section 28 of *The Highway Improvement Act* as amended by section 4 of *The Highway Improvement Act, 1930*, is further amended by adding thereto the words "or the work may be undertaken as a local improvement under the provisions of *The Local Improvement Act*," so that the said subsection will now read as follows:

(2) This authorizes the work provided for by subsection 1 to be done without the assent of the electors.

Section 6.—(1) The amendment provides that extra work undertaken by a local municipality through which a county road passes may be treated as a local improvement and charged for accordingly.

Extent of
liability of
urban
municipi-
pality.

- (2) Where the roadway on such street exceeds twenty feet in width all expenditure thereon rendered necessary by such excess width and all other special work on the street shall be borne by the urban municipality, and the council of the urban municipality, with the approval of the Minister may by by-law provide for the issue of debentures to provide for the payment of such excess cost, and may apply the rebate payable under subsection 5, or so much thereof as may be necessary in payment of sums falling due from year to year on account of such debentures, and it shall not be necessary to obtain the assent of the electors to any such by-law nor to observe the other formalities in relation thereto prescribed by *The Municipal Act*, or the work may be undertaken as a local improvement under the provisions of *The Local Improvement Act*.

Rev. Stat.,
c. 54, s. 28,
subs. 4,
amended.

- (2) Subsection 4 of the said section 28 is amended by adding thereto the words "and may raise its share of the cost of the work by the issuing of debentures without the assent of the electors," so that the said subsection will now read as follows:

Where urban
street forms
part of
county
system.

- (4) Where any street described in subsection 1 is part of the county road system, the council of the county shall undertake the work as agreed upon with the council of the municipality and the urban municipality shall pay its proportion of the cost of the work to the county upon the report of the county road superintendent and the requisition of the county road committee and may raise its share of the cost of the work by the issuing of debentures without the assent of the electors.

Rev. Stat.,
c. 54, s. 32,
amended.

7. Section 32 of *The Highway Improvement Act* as amended by section 6 of *The Highway Improvement Act, 1930*, is further amended by striking out the words "Minister of Public Works and Highways" where they occur in the eighth and twelfth lines respectively and inserting in lieu thereof the words "Minister of Highways."

Rev. Stat.,
c. 54, s. 34,
amended.

8. Section 34 of *The Highway Improvement Act* is amended by striking out the words "Department of Public Highways" in the fourth line and inserting in lieu thereof the words "Department of Highways."

Rev. Stat.,
c. 54, s. 36,
subs. 1,
amended.

- 9.—(1) Subsection 1 of section 36 of *The Highway Improvement Act* is amended by striking out the words "and maintenance" in the sixth and seventh lines and inserting in lieu thereof the words "maintenance and superintendence" so that the subsection will now read as follows:

(2) Where work is done under the direction of the road authority or when it is approved by the Minister it should not be necessary to submit to the electors a by-law for the purpose of authorizing the raising of the cost of the work.

Section 7. This merely substitutes "Minister of Highways" for "Minister of Public Works and Highways."

Section 8. This merely substitutes "Department of Highways" for "Department of Public Works and Highways."

Section 9. Under the present subsection "suburban roads" are under the jurisdiction and control of county councils, the work thereon being under the supervision of the county engineer or road superintendent and the sums expended for "construction and maintenance" are included in the statement of expenditure upon which grants payable by the Province are estimated and paid. The amendments includes in this statement the sums expended for "superintendence."

Roads to be
county
roads.

- (1) Roads designated as "suburban roads" shall continue to be county roads under the jurisdiction and control of the county council, the work thereon to be under the supervision of the county engineer or road superintendent but subject to the direction of the commission appointed for that purpose, and the sums expended for construction, maintenance and superintendence may be included in the statements of expenditure as provided in section 17 of this Act, upon which the grants payable by the Province will be estimated and paid.

Commence-
ment of
subs. 1.

- (2) The amendment made by subsection 1 shall have effect as from the 1st day of January, 1930.

Rev. Stat.,
c. 54, s. 78,
subs. 1,
repealed.

10. Subsection 1 of section 78 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Regulations
as to sign-
boards, etc.

- (1) The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations,—

Prohibiting
and regulat-
ing.

- (a) prohibiting or regulating the erection of signs and sign boards and the pasting or painting of signs or notices and the exposing of any advertising device upon or within one-quarter of a mile from any King's Highway;

Licensing
and fixing
license fees.

- (b) for licensing and fixing the fees for licenses to be granted to any person for erecting any such sign or sign board, or pasting or painting any such sign or notice or exposing any such advertising device on any such road or within one-quarter of a mile thereof;

Application
of fees.

- (c) for the application of such fees or any part thereof to the maintenance of such road or otherwise;

Regulating
placing of
gasoline
pumps.

- (d) for regulating the distance from the limit of any King's Highway at which gasoline pumps may be placed and operated and for directing the removal of any such pump placed or operated within such distance;

Licensing
gasoline
pumps.

- (e) for licensing and fixing the fees for licenses to be granted to any person operating a gasoline pump upon or within twenty-five feet from the limit of any King's Highway.

Section 10. Subsection 1 as it stands at present confines the regulation of the erection of sign boards, gasoline, pumps etc., to the Lieutenant-Governor in Council, and deals with all classes of highways,—King's Highways, county roads and suburban roads. The subsection is amended to confine the regulations made by the Lieutenant-Governor in Council to King's Highways. The new subsection 1a gives county councils control as to county and suburban roads.

Powers conferred by subs. 1 to be exercised by county council with respect to county and suburban roads.

- (1a) The powers conferred on the Lieutenant-Governor in Council by subsection 1 may, with respect to county and suburban roads, be exercised by the county council, but no by-law passed by a county council under this subsection shall have effect until approved in writing by the Minister.

Rev. Stat., c. 54, s. 83, subs. 4 (1928, c. 18, s. 7), amended.

11. Subsection 4 of section 83 of *The Highway Improvement Act* as enacted by section 7 of *The Highway Improvement Act, 1928*, is amended by striking out the word "thirty" in the last line and inserting in lieu thereof the word "forty," so that the said subsection will now read as follows:

Sidewalks and foot-paths on provincial and county highways.

- (4) The council of a township may apply to the Department for authority to construct a sidewalk or foot-path on a King's Highway or county road and the Department may grant such authority, and upon the completion of the work may approve of the same at their discretion, and upon such approval being given the Minister may authorize the payment to the township out of the fund of an amount not exceeding forty per centum of the cost of the work.

1915, c. 17, ss. 20-36, repealed.

12. Sections 20 to 36 of *The Ontario Highway Act*, being chapter 17 of the statutes of 1915, are repealed.

Commencement of Act.

13. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 11. The present subsection 4 of section 83 authorizes the council of the township, with the approval of the Department, to construct a sidewalk or foot path on a King's Highway or county road and authorizes the Commission to direct payment to the township out of the Highway Improvement Fund of an amount not exceeding thirty per centum of the cost of the work. The amendment authorizes the increasing of the grant to forty per centum.

Section 12. *The Ontario Highways Act*, which was passed in 1915, contained a set of sections dealing with what are known as "main roads" on the same basis as the Toronto and Hamilton Highway Commission. There is no longer any reason why these sections should be retained and to avoid confusion it is thought desirable that they should be repealed.

BILL

An Act to amend The Highway
Improvement Act.

1st Reading

March 27th, 1931

2nd Reading

3rd Reading

MR. HENRY (East York)

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Highway Improvement Act.

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PRINTED BY HERBERT H. BALL

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No. 178

1931

BILL

An Act to amend The Highway Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Highway Improvement Act, 1931*.

Rev. Stat.,
c. 54, s. 1,
cls. b, g,
repealed.

2. The clauses lettered *b* and *g* in section 1 of *The Highway Improvement Act* are repealed and the following substituted therefor:

"Depart-
ment."

(*b*) "Department" shall mean Department of Highways;

"Minister."

(*g*) "Minister" shall mean Minister of Highways.

Rev. Stat.,
c. 54, s. 11,
amended.

3. Section 11 of *The Highway Improvement Act* is amended by striking out the words "Minister of Public Works and Highways" at the commencement thereof and inserting in lieu thereof the words "Minister of Highways."

Rev. Stat.,
c. 54, s. 14,
subs. 1,
repealed.

4.—(1) Subsection 1 of section 14 of *The Highway Improvement Act* as amended by subsection 1 of section 2 of *The Highway Improvement Act, 1929*, is repealed and the following substituted therefor:

Debentures.

(1) Subject to the provisions of subsection 1*a* the council of any county may from time to time pass by-laws to raise by debentures payable in not more than twenty years in the manner provided by *The Municipal Act*, such sums as may be necessary to meet the actual expenditure for the construction and improvement of highways under this Act not exceeding five per centum of the equalized assessment of the county, or the council may by by-law provide that the required amount shall be raised in equal annual instalments by a general county rate levied in each successive year for a period not exceeding ten years

Rev. Stat.,
c. 233.

but such amount shall not exceed five per centum of the equalized assessment of the county and the provisions of this Act shall apply to any money heretofore or hereafter so provided as fully as if debentures had been issued whether a by-law transferring such money to a special account under Part II and Part III of this Act has or has not been passed.

(2) Subsection 1a of the said section 14 as enacted by subsection 2 of section 2 of *The Highway Improvement Act*, 1929, is amended by striking out the words "and levied" in the fourth and fifth lines, so that the subsection will now read as follows:

Rev. Stat.
c. 54, s. 14,
subs. 1a
(1929, c. 17,
s. 2, subs. 2),
amended.

(1a) Where the council of a county has paid over moneys raised on sinking fund account to the Treasurer of Ontario under the provisions of sections 319 to 323 of *The Municipal Act*, the amount to be raised for the construction and improvement of highways under subsection 1 may be a sum not exceeding the total amount so in the hands of the Treasurer of Ontario with five per centum of the equalized assessment of the county added thereto.

Limit of
amount of
county rate.

Rev. Stat.,
c. 233.

(3) Subsection 3 of the said section 14 is amended by adding thereto the words "and the council of the county may pass a by-law or by-laws to raise by debentures in the same manner as provided in subsection 1, such sums as may be necessary to repay such temporary advances," so that the subsection will now read as follows:

Rev. Stat.,
c. 54, s. 14,
subs. 3,
amended.

(3) The council of the county may agree with any chartered bank or loan or trust corporation or with any person for temporary advances to meet the cost of the work in progress, but the total of such temporary advances shall not exceed in any one year the amount to be provided by the corporation of the county, together with the proportion of aid to be received from the Province, and the amount receivable from cities and towns as contributions on account of suburban roads under Part III, and the council of the county may pass a by-law or by-laws to raise by debentures in the same manner as provided in subsection 1, such sums as may be necessary to repay such temporary advances.

Temporary
advances.

(4) The amendments made by this section shall have effect as from the 1st day of January, 1930.

Amendments
retroactive.

5.—(1) Subsection 1 of section 26 of *The Highway Improvement Act* is amended by striking out all the words in the first

Rev. Stat.,
c. 54, s. 26,
subs. 1,
amended.

four lines and inserting in lieu thereof the words "The council of a township, town or incorporated village may enter into an agreement with the council of the county or suburban roads commission providing for the widening of the right-of-way or for the construction of a wider pavement or other special construction upon a county road in such township, town or," so that the said subsection will now read as follows:

Agreement
between
local muni-
cipality and
county for
widening
streets and
pavements.

- (1) The council of a township, town or incorporated village may enter into an agreement with the council of the county or suburban roads commission providing for the widening of the right-of-way, or for the construction of a wider pavement or other special construction upon a county road in such township, town or incorporated village, and the agreement may provide that the cost of the work over and above the amount paid by the county under the provisions of this Act and amendments thereto shall be assessed under and according to the provisions of *The Local Improvement Act* against the owners to be specially benefited and against the township, town or incorporated village respectively according to the report of an engineer.

Rev. Stat.,
c. 54, s. 26,
subs. 2,
amended.

- (2) Subsection 2 of the said section 26 is amended by adding thereto the words "and it shall not be necessary to obtain the assent of the electors to any such by-laws nor observe the other formalities in relation thereto prescribed by *The Municipal Act*, so that the said subsection will now read as follows:

Debentures
for excess
cost to local
muni-
cipality.

- (2) The council of the township, town or incorporated village may pass by-laws to raise by debentures, payable in not more than twenty years such sum as may be necessary to meet such excess cost and such debentures shall be a debt payable by the corporation, but the rate for the payment of any debentures so issued shall be levied and collected upon and from the property liable to assessment in the said township, town or incorporated village according to the assessment made by such engineer and it shall not be necessary to obtain the assent of the electors to any such by-laws nor observe the other formalities in relation thereto prescribed by *The Municipal Act*.

Rev. Stat.,
c. 233.

Rev. Stat.,
c. 54, s. 28,
subs. 2,
amended.

- 6.**—(1) Subsection 2 of section 28 of *The Highway Improvement Act* as amended by section 4 of *The Highway Improvement Act, 1930*, is further amended by adding thereto the words "or the work may be undertaken as a local improvement under the provisions of *The Local Improvement Act*," so that the said subsection will now read as follows:

- (2) Where the roadway on such street exceeds twenty feet in width all expenditure thereon rendered necessary by such excess width and all other special work on the street shall be borne by the urban municipality, and the council of the urban municipality, with the approval of the Minister may by by-law provide for the issue of debentures to provide for the payment of such excess cost, and may apply the rebate payable under subsection 5, or so much thereof as may be necessary in payment of sums falling due from year to year on account of such debentures, and it shall not be necessary to obtain the assent of the electors to any such by-law nor to observe the other formalities in relation thereto prescribed by *The Municipal Act*, or the work may be undertaken as a local improvement under the provisions of *The Local Improvement Act*.

Extent of
liability of
urban
municipi-
pality.

- (2) Subsection 4 of the said section 28 is amended by adding thereto the words "and may raise its share of the cost of the work by the issuing of debentures without the assent of the electors," so that the said subsection will now read as follows:

Rev. Stat.,
c. 54, s. 28,
subs. 4,
amended.

- (4) Where any street described in subsection 1 is part of the county road system, the council of the county shall undertake the work as agreed upon with the council of the municipality and the urban municipality shall pay its proportion of the cost of the work to the county upon the report of the county road superintendent and the requisition of the county road committee and may raise its share of the cost of the work by the issuing of debentures without the assent of the electors.

Where urban
street forms
part of
county
system.

7. Section 32 of *The Highway Improvement Act* as amended by section 6 of *The Highway Improvement Act, 1930*, is further amended by striking out the words "Minister of Public Works and Highways" where they occur in the eighth and twelfth lines respectively and inserting in lieu thereof the words "Minister of Highways."

Rev. Stat.,
c. 54, s. 32,
amended.

8. Section 34 of *The Highway Improvement Act* is amended by striking out the words "Department of Public Highways" in the fourth line and inserting in lieu thereof the words "Department of Highways."

Rev. Stat.,
c. 54, s. 34,
amended.

- 9.—(1) Subsection 1 of section 36 of *The Highway Improvement Act* is amended by striking out the words "and maintenance" in the sixth and seventh lines and inserting in lieu thereof the words "maintenance and superintendence" so that the subsection will now read as follows:

Rev. Stat.,
c. 54, s. 36,
subs. 1,
amended.

Roads to be
county
roads.

- (1) Roads designated as "suburban roads" shall continue to be county roads under the jurisdiction and control of the county council, the work thereon to be under the supervision of the county engineer or road superintendent but subject to the direction of the commission appointed for that purpose, and the sums expended for construction, maintenance and superintendence may be included in the statements of expenditure as provided in section 17 of this Act, upon which the grants payable by the Province will be estimated and paid.

Commence-
ment of
subs. 1.

- (2) The amendment made by subsection 1 shall have effect as from the 1st day of January, 1930.

Rev. Stat.,
c. 54, s. 78,
subs. 1,
repealed.

10. Subsection 1 of section 78 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Regulations
as to sign-
boards, etc.

- (1) The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations,

Prohibiting
and regulat-
ing.

- (a) prohibiting or regulating the erection of signs and sign boards and the pasting or painting of signs or notices and the exposing of any advertising device upon or within one-quarter of a mile from any King's Highway;

Licensing
and fixing
license fees.

- (b) for licensing and fixing the fees for licenses to be granted to any person for erecting any such sign or sign board, or pasting or painting any such sign or notice or exposing any such advertising device on any such road or within one-quarter of a mile thereof;

Application
of fees.

- (c) for the application of such fees or any part thereof to the maintenance of such road or otherwise;

Regulating
placing of
gasoline
pumps.

- (d) for regulating the distance from the limit of any King's Highway at which gasoline pumps may be placed and operated and for directing the removal of any such pump placed or operated within such distance;

Licensing
gasoline
pumps.

- (e) for licensing and fixing the fees for licenses to be granted to any person operating a gasoline pump upon or within twenty-five feet from the limit of any King's Highway.

- (1a) The powers conferred on the Lieutenant-Governor in Council by subsection 1 may, with respect to county and suburban roads, be exercised by the county council, but no by-law passed by a county council under this subsection shall have effect until approved in writing by the Minister.
- Powers conferred by subs. 1 to be exercised by county council with respect to county and suburban roads.

11. Subsection 4 of section 83 of *The Highway Improvement Act* as enacted by section 7 of *The Highway Improvement Act, 1928*, is amended by striking out the word "thirty" in the last line and inserting in lieu thereof the word "forty," so that the said subsection will now read as follows:

Rev. Stat., c. 54, s. 83, subs. 4 (1928, c. 18, s. 7), amended.

- (4) The council of a township may apply to the Department for authority to construct a sidewalk or foot-path on a King's Highway or county road and the Department may grant such authority, and upon the completion of the work may approve of the same at their discretion, and upon such approval being given the Minister may authorize the payment to the township out of the fund of an amount not exceeding forty per centum of the cost of the work.
- Sidewalks and foot-paths on provincial and county highways.

12. Sections 20 to 36 of *The Ontario Highways Act*, being chapter 17 of the statutes of 1915, are repealed.

1915, c. 17, ss. 20-36, repealed.

13. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

BILL

An Act to amend The Highway
Improvement Act.

1st Reading

March 27th, 1931

2nd Reading

March 31st, 1931

3rd Reading

April 1st, 1931

MR. HENRY (East York)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Niagara Parks Act.

MR. HENRY (East York)

No. 179

1931

BILL

An Act to amend The Niagara Parks Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. 1. This Act may be cited as *The Niagara Parks Act, 1931*.

Rev. Stat.,
c. 81, s. 18,
repealed. 2. Section 18 of *The Niagara Parks Act* is repealed and the following substituted therefor:

Agreements
with municipi-
palities as
to improve-
ments. 18.—(1) The Commission and the corporation of any municipality in which lands vested in the Commission are situate or which adjoins such lands may enter into agreements for,—

- (a) establishing, laying out, opening, extending, widening, altering, diverting, constructing, reconstructing, paving, or otherwise improving a highway in the municipality and acquiring by the corporation of lands for any such purpose;
- (b) maintaining and repairing a highway in the municipality;
- (c) vesting in the Commission ownership of or jurisdiction and control over any lands acquired under or any highway described in any such agreement;
- (d) apportioning between the Commission and the Corporation the cost of any work undertaken under any such agreement;
- (e) payment of the whole or any part of the cost of any work undertaken under any such agreement and providing for payment either

EXPLANATORY NOTE

Section 18, which is being repealed, is insufficient to enable the Commission and municipalities to properly take care of traffic requirements in respect to highways vested in the Commission, particularly the portions thereof in the urban municipalities bordering on the Niagara River, nor is it sufficient to enable those municipalities to undertake local improvement works on highways vested in the Commission as they would be able to do if such highways were vested in the municipalities. The whole section has therefore been re-written in a form which will take care of the needs of the municipalities and the requirements for modern transportation, but at the same time protecting the Province of Ontario in respect to the highways and properties vested in the Niagara Parks Commission.

in one sum or by annual or other instalments or otherwise as the agreement may stipulate.

Compensation where lands acquired or injured to be paid by municipality.

- (2) Every agreement entered into under the authority of subsection 1 shall provide that the cost of any lands acquired pursuant thereto and all compensation payable in respect to such acquisition or for injurious affection to lands by reason of any work undertaken under any such agreement shall solely be borne and paid by the corporation of the municipality entering into the agreement.

Local improvement works.

- (3) The Commission and the corporation of any municipality in which lands vested in the Commission are situate or which or any part of which adjoins or is within three miles of such lands may enter into a greements for the undertaking by the corporation in, upon, under, through, across, along or for any street or highway vested in or under the jurisdiction and control of the Commission of any work of any of the characters or descriptions mentioned in *The Local Improvement Act* as work which may be undertaken as a local improvement, including the acquisition of lands and the use of the same for establishing, laying out, opening, extending, widening, altering, diverting or otherwise improving a highway vested or to be vested in the Commission.

- (4) Any work undertaken by the corporation of a municipality pursuant to the provisions of any agreement entered into under subsection 3 may by the corporation be undertaken as a local improvement under *The Local Improvement Act* and according to the provisions thereof, notwithstanding that the street or highway is not vested in such corporation or that its council has no jurisdiction or control thereover.

Payment for work.

- (5) In any agreement entered into under subsection 3 the Commission may agree to contribute such sum or sums towards the cost of any work undertaken thereunder and either in cash or by annual or other instalment or otherwise, but nothing in this section or in any agreement contained nor any such contribution shall in any way render liable to assessment under *The Local Improvement Act* for the cost of any such work any of the lands vested in the Commission whether abutting directly on the work or otherwise, which said lands shall continue to remain exempt from assessment taxation.

Liability of
municipality.

- (6) Every agreement entered into under subsection 3 shall provide that the corporation of the municipality entering into the same shall solely be responsible for any injury or damage resulting from or by reason of the execution of any work undertaken thereunder or from the existence of such work during the time of its construction and after the completion or from non-repair of the same and for all claims, demands, actions, suits, proceedings, costs and damages resulting therefrom.

Assent of
electors not
required.

- (7) It shall not be necessary that any agreement entered into under this section be submitted to or receive the assent of the electors of the municipality, or that any by-law or by-laws of the corporation of such municipality for the issue of debentures to defray the cost or share of the cost of lands acquired or works undertaken under any such agreement shall be submitted to or receive the said assent.

Confirmation
of agree-
ments hereto-
fore made.

- (8) Every agreement heretofore entered into between the Commission and the corporation of a municipality with the approval of the Lieutenant-Governor in Council for any of the purposes mentioned in this section shall be and shall be deemed to have been legal, valid and binding upon the Commission and upon such corporation and the ratepayers thereof and the provisions of subsection 7 shall apply thereto.

Approval of
Lieutenant-
Governor in
Council.

- (9) No agreement hereafter entered into under this section shall be effective or binding until the same is approved by the Lieutenant-Governor in Council, and upon such approval being obtained the agreement shall be legal, valid and binding upon the Commission and upon the corporation of the municipality entering into the same and the ratepayers thereof and shall not be open to question in any Court.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Niagara Parks Act.

1st Reading

March 27th, 1931

2nd Reading

3rd Reading

MR. HENRY (East York)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

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No. 179

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Short title.

1. This Act may be cited as *The Niagara Parks Act, 1931*.

Rev. Stat.,
c. 81, s. 18,
repealed.

2. Section 18 of *The Niagara Parks Act* is repealed and the following substituted therefor:

Agreements
with municipi-
palities as
to improve-
ments.

18.—(1) The Commission and the corporation of any municipality in which lands vested in the Commission are situate or which adjoins such lands may enter into agreements for,—

- (a) establishing, laying out, opening, grading, altering the grade of, extending, widening, altering, diverting, constructing, reconstructing, paving, or otherwise improving a highway in the municipality and acquiring by the corporation of lands for any such purpose;
- (b) maintaining and repairing any highway in the municipality;
- (c) vesting in the Commission ownership of or jurisdiction and control over any lands acquired under or any highway described in any such agreement;
- (d) apportioning between the Commission and the Corporation the cost of any work undertaken under any such agreement;
- (e) payment of the whole or any part of the cost of any work undertaken under any such agreement and providing for payment either

in one sum or by annual or other instalments or otherwise as the agreement may stipulate.

- (2) Every agreement entered into under the authority of subsection 1 shall provide that the cost of any lands acquired pursuant thereto and all compensation payable in respect to such acquisition or for injurious affection to lands by reason of any work undertaken under any such agreement shall solely be borne and paid by the corporation of the municipality entering into the agreement. Compensation where lands acquired or injured to be paid by municipality.
- (3) The Commission and the corporation of any municipality in which lands vested in the Commission are situate or which or any part of which adjoins or is within three miles of such lands may enter into agreements for the undertaking by the corporation in, upon, under, through, across, along or for any street or highway vested in or under the jurisdiction and control of the Commission of any work of any of the characters or descriptions mentioned in *The Local Improvement Act* as work which may be undertaken as a local improvement, including the acquisition of lands and the use of the same for establishing, laying out, opening, grading, altering the grade of, extending, widening, altering, diverting or otherwise improving a highway vested or to be vested in the Commission. Local improvement works.
- (4) Any work undertaken by the corporation of a municipality pursuant to the provisions of any agreement entered into under subsection 3 may by the corporation be undertaken as a local improvement under *The Local Improvement Act* and according to the provisions thereof, notwithstanding that the street or highway is not vested in such corporation or that its council has no jurisdiction or control thereover.
- (5) In any agreement entered into under subsection 3 the Commission may agree to contribute such sum or sums towards the cost of any work undertaken thereunder and either in cash or by annual or other instalment or otherwise, but nothing in this section or in any agreement contained nor any such contribution shall in any way render liable to assessment under *The Local Improvement Act* for the cost of any such work any of the lands vested in the Commission whether abutting directly on the work or otherwise, which said lands shall continue to remain exempt from assessment taxation. Payment for work.

Liability of
municipality.

- (6) Every agreement entered into under subsection 3 shall provide that the corporation of the municipality entering into the same shall solely be responsible for any injury or damage resulting from or by reason of the execution of any work undertaken thereunder or from the existence of such work during the time of its construction and after the completion or from non-repair of the same and for all claims, demands, actions, suits, proceedings, costs and damages resulting therefrom.

Assent of
electors not
required.

- (7) It shall not be necessary that any agreement entered into under this section be submitted to or receive the assent of the electors of the municipality, or that any by-law or by-laws of the corporation of such municipality for the issue of debentures to defray the cost or share of the cost of lands acquired or works undertaken under any such agreement shall be submitted to or receive the said assent.

Confirma-
tion of agree-
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fore made.

- (8) Every agreement heretofore entered into between the Commission and the corporation of a municipality with the approval of the Lieutenant-Governor in Council for any of the purposes mentioned in this section shall be and shall be deemed to have been legal, valid and binding upon the Commission and upon such corporation and the ratepayers thereof and the provisions of subsection 7 shall apply thereto.

Approval of
Lieutenant-
Governor in
Council.

- (9) No agreement hereafter entered into under this section shall be effective or binding until the same is approved by the Lieutenant-Governor in Council, and upon such approval being obtained the agreement shall be legal, valid and binding upon the Commission and upon the corporation of the municipality entering into the same and the ratepayers thereof and shall not be open to question in any Court.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Niagara Parks Act.

1st Reading

March 27th, 1931

2nd Reading

March 30th, 1931

3rd Reading

April 1st, 1931

MR. HENRY (East York)

No. 180

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting Dominion Agricultural Credit Company, Limited.

MR. HENRY (East York)

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 180

1931

BILL

An Act respecting Dominion Agricultural Credit Company, Limited.

Preamble.

WHEREAS Dominion Agricultural Credit Company, Limited, has been incorporated under *The Companies Act* of Canada by letters patent issued by the Secretary of State for Canada under date of the 23rd day of January, 1931, with power, among other things, to provide financial assistance for those engaged or about to engage in the breeding, raising and marketing of livestock and in other agricultural pursuits; to carry on any such business itself, and to produce, manufacture, acquire, keep, dispose of, ship and deal in agricultural and other products and goods, wares and merchandise of all kinds, and to invest and deal with the moneys of the company not immediately required, all as more fully set out in the said letters patent;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power of insurance company, trust company, etc., to acquire, hold and dispose of shares of Dominion Agricultural Credit Company.

1. Notwithstanding anything contained in *The Insurance Act*, *The Loan and Trust Corporations Act* or any other Act, an insurance company, a trust company, a loan corporation or a loaning land corporation subject to the jurisdiction of the Legislature of Ontario shall have power to acquire, hold and dispose of shares of the capital stock of Dominion Agricultural Credit Company, Limited.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act respecting Dominion Agricultural
Credit Company, Limited.

1st Reading

March 27th, 1931

2nd Reading

3rd Reading

MR. HENRY (East York)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
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Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act respecting Dominion Agricultural
Credit Company, Limited.

1st Reading

March 27th, 1931

2nd Reading

March 30th, 1931

3rd Reading

April 1st, 1931

MR. HENRY (East York)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to confer upon the Supreme Court certain Powers in
Actions for Divorce.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to confer upon the Supreme Court certain Powers in Actions for Divorce.

Alimony.

1. In any action for divorce or to declare the nullity of any marriage, the Court may order that the husband shall secure to the wife, unless she has been guilty of adultery, such gross sum of money or annual sum of money for any term, not exceeding her life, as, having regard to her fortune, if any, and to the ability of the husband and to the conduct of the parties, may be deemed reasonable and may suspend the pronouncement of the judgment absolute until all necessary deeds and instruments have been executed.

Alimony.

2.—(1) In addition to or in substitution for an order under the preceding section the Court may direct the husband to pay to the wife, unless she has been guilty of adultery, during the joint lives of the husband and wife and so long as she remains chaste such monthly or weekly sum for her support and maintenance as the Court may think reasonable,

Proviso
when order
may be
changed.

Provided that,—

- (a) If the husband after any such order becomes, from any cause, unable to make the payments, the Court may discharge or modify the order or temporarily suspend the order in whole or in part and may subsequently revive it in whole or in part as may be deemed proper.
- (b) If the means of the husband shall at any time after the making of such order be increased, the Court may, if it is deemed proper, increase the amount payable under any such order.
- (c) Such payments shall cease on the wife marrying again.

EXPLANATORY NOTES

Preliminary Note: The main purpose of this Act is to confer upon the Ontario courts the same powers as those possessed by the Courts in England in divorce proceedings. The Parliament of Canada in 1930 conferred upon the Supreme Court of Ontario jurisdiction in certain cases to dissolve marriage where, according to the law of England on the 15th day of July, 1870, a decree of divorce might be granted. Questions dealing with property and civil rights as the result of the granting of the divorce are within the jurisdiction of the province, and it is deemed necessary to provide ancillary legislation conferring power upon the Courts to deal with these matters.

1. This provision is taken from section 190 of the English Judicature Act of 1925 and authorizes the Court to direct a husband to make provision out of his property for his wife.

2. This provision is also taken from the same section of the English Act and enables the Court to direct payment of alimony by instalments in lieu or in addition to the provision made by the preceding section.

Interim
alimony.

(2) The Court shall have the same power to make an order for the payment of interim alimony as in the case of an action for alimony.

Power of
court to
order
settlement
of wife's
property.

3. If a judgment for divorce is pronounced by reason of the adultery of the wife and it appears that the wife is entitled to property either in possession or reversion, the Court may order such settlement as it thinks reasonable of her property or any part thereof for the benefit of the children of the marriage or their issue or any or either of them.

Power of
court to
make orders
as to applica-
tion of
settled
property.

4. If a judgment for divorce is pronounced and it appears that a marriage settlement has been made, the Court may make such order with reference to the application of the whole or any part of the property settled for the benefit of the children of the marriage as the Court may under all the circumstances of the case deem proper.

Power as to
custody of
children.

5.—(1) In any action for divorce the Court may from time to time and either before or after the judgment absolute, make such provision as appears to be just with regard to the custody, maintenance and education of the children of the marriage and may direct payment by either the father or the mother of such sum as may be necessary for the due care, maintenance and education of the children of the marriage.

Who may
make
application.

(2) An application under this section may be made by either husband or wife or by the children by their next friend either at the hearing of the case or upon summary application therein.

After divorce
wife
a *feme sole*.

6. After the granting of a judgment absolute of divorce the wife shall be regarded as a *feme sole* so far as her property and her right to contract are concerned.

Rules made
confirmed
with right
to repeal,
amend, etc.

7. The rules passed by the Judges of the Supreme Court relating to the conduct of matrimonial causes are confirmed and declared to have the same force and effect as if they were embodied in this Act, but the Judges may nevertheless from time to time pass rules for the repealing, amending or varying the same.

Commence-
ment of Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent and shall apply to all actions pending at the date when this Act comes into force.

3. This section is taken from section 191 of the English Act. It enables the Court to direct settlement out of the property of a guilty wife for the benefit of the children, issue of the marriage.

4. This provision is taken from section 192 of the English Act for the purpose of enabling the Court to deal with property covered by an existing marriage settlement. It is necessary as such settlements might not provide for the maintenance of the children of the marriage.

5. This section is based upon section 193 of the English Act and is intended to give the Court full power to deal with the custody, maintenance and education of the children of divorced parents.

6. This section is passed for the purpose of removing all doubts as to the wife's rights as to her property and contracts after the granting of a divorce.

7. This section is based upon section 108 of The Judicature Act which confirms the then existing rules. The object is to prevent discussion of the question where the provisions of the rules exceed the powers conferred upon the judges under section 108.

These rules were passed after conference with a Committee of the Benchers of the Law Society and have the approval of that Committee.

BILL

An Act to confer upon the Supreme Court
certain Powers in Actions for Divorce.

1st Reading

March 30th, 1931

2nd Reading

3rd Reading

MR. PRICE

No. 181

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to confer upon the Supreme Court certain Powers in
Actions for Divorce.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
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BILL

An Act to confer upon the Supreme Court certain Powers in Actions for Divorce.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Matrimonial Causes Act, 1931.*

Alimony. **2.** In any action for divorce or to declare the nullity of any marriage, the Court may order that the husband shall secure to the wife, unless she has been guilty of adultery, such gross sum of money or annual sum of money for any term, not exceeding her life, as, having regard to her fortune, if any, and to the ability of the husband and to the conduct of the parties, may be deemed reasonable and may suspend the pronouncement of the judgment absolute until all necessary deeds and instruments have been executed.

Alimony. **3.—(1)** In addition to or in substitution for an order under the preceding section the Court may direct the husband to pay to the wife, unless she has been guilty of adultery, during the joint lives of the husband and wife and so long as she remains chaste such monthly or weekly sum for her support and maintenance as the Court may think reasonable,

Proviso
when order
may be
changed.

Provided that,—

- (a) If the husband after any such order becomes, from any cause, unable to make the payments, the Court may discharge or modify the order or temporarily suspend the order in whole or in part and may subsequently revive it in whole or in part as may be deemed proper.
- (b) If the means of the husband shall at any time after the making of such order be increased, the Court may, if it is deemed proper, increase the amount payable under any such order.

(c) Such payments shall cease on the wife marrying again.

(2) The Court shall have the same power to make an order for the payment of interim alimony as in the case of an action for alimony. Interim alimony.

4. If a judgment for divorce is pronounced by reason of the adultery of the wife and it appears that the wife is entitled to property either in possession or reversion, the Court may order such settlement as it thinks reasonable of her property or any part thereof for the benefit of the children of the marriage or their issue or any or either of them. Power of court to order settlement of wife's property.

5. If a judgment for divorce is pronounced and it appears that a marriage settlement has been made, the Court may make such order with reference to the application of the whole or any part of the property settled for the benefit of the children of the marriage as the Court may under all the circumstances of the case deem proper. Power of court to make orders as to application of settled property.

6.—(1) In any action for divorce the Court may from time to time and either before or after the judgment absolute, make such provision as appears to be just with regard to the custody, maintenance and education of the children of the marriage and may direct payment by either the father or the mother of such sum as may be necessary for the due care, maintenance and education of the children of the marriage. Power as to custody of children.

(2) An application under this section may be made by either husband or wife or by the children by their next friend either at the hearing of the case or upon summary application therein. Who may make application.

7. After the granting of a judgment absolute of divorce the wife shall be regarded as a *feme sole* so far as her property and her right to contract are concerned. After divorcee wife a feme sole.

8. The rules passed by the Judges of the Supreme Court relating to the conduct of matrimonial causes are confirmed and declared to have the same force and effect as if they were embodied in this Act, but the Judges may nevertheless from time to time pass rules for the repealing, amending or varying the same. Rules made confirmed with right to repeal, amend, etc.

9. This Act shall come into force on the day upon which it receives the Royal Assent and shall apply to all actions pending at the date when this Act comes into force. Commencement of Act.

BILL

An Act to confer upon the Supreme Court
certain Powers in Actions for Divorce.

1st Reading

March 30th, 1931

2nd Reading

March 31st, 1931

3rd Reading

April 1st, 1931

MR. PRICE

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

The Statute Law Amendment Act, 1931.

MR. PRICE

No. 182

1931

BILL

The Statute Law Amendment Act, 1931.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 19,
amended.

1. *The Public Officers' Fees Act* is amended by adding thereto the following section:

COMPULSORY RETIREMENT OF OFFICERS.

Compulsory
retirement
of officers.

13. An officer, other than a sheriff, to whom this Act applies shall cease to hold office upon attaining the age of eighty years and the appointment of his successor.

Rev. Stat.,
c. 88, s. 82,
subs. 2,
amended.

2. Subsection 2 of section 82 of *The Judicature Act* is amended by adding after the words "Crown and Pleas" in the first line of clause *a*, the words "or a local registrar," so that the subsection will now read as follows:

Certain
officers
paid by
salary may
take fees.

(2) Subsection 1 shall not apply to the fees of,—

- (a) a deputy clerk of the Crown and Pleas, or a local registrar on an examination had before him as a special examiner or on a reference made to him as an official referee.
- (b) a stenographic reporter for copies of shorthand notes of evidence, who shall be entitled to take the fees prescribed by Order-in-Council.

Rev. Stat.,
c. 148, s. 12,
subs. 1,
amended.

3.—(1) Subsection 1 of section 12 of *The Devolution of Estates Act* is amended by inserting after the word "Act" in the sixth line the words and figures "and subject to subsection 6 of section 55 of *The Registry Act*," so that the subsection will now read as follows:

EXPLANATORY NOTES

Section 1. The proposed section will apply to registrars of deeds, surrogate court clerks, clerks of the peace and crown attorneys, and local registrars of the Supreme Court. It does not apply to sheriffs who are under Part III of *The Public Service Act*.

Section 2. The object of this amendment is to place the local registrar in the same position as a deputy clerk of the Crown and Pleas as to the right to receive fees when acting as special examiner on a reference made to him as an official referee. There is only one deputy clerk of the Crown and Pleas, the office having been superseded by that of local registrar and there does not appear to be any good reason for a distinction between the two offices.

Section 3.—(1) This amendment is to conform with the amendments made to *The Registry Act* (See subsection 3 of section 6 of this Bill) and *The Land Titles Act* (See section 7 of this Bill) to the effect that no property shall be vested after the three year period until the consent in writing of the Treasurer of Ontario has been obtained.

Vesting of
real estate
not disposed
of within
three years.

- (1) Real property not disposed of, conveyed to, divided or distributed among the persons beneficially entitled thereto, under the provisions of section 20, by the personal representative within three years after the death of the deceased shall, subject to *The Land Titles Act* in the case of land registered under that Act, and subject to subsection 6 of section 55 of *The Registry Act* and subject as herein-after provided, at the expiration of that period, whether probate or letters of administration have or have not been taken, be thenceforth vested in the persons beneficially entitled thereto under the will or upon the intestacy or their assigns without any conveyance by the personal representative unless such personal representative, if any, has registered in the proper registry or land titles office, a caution, Form I, under his hand, and if such caution is so registered such real property or the part thereof mentioned therein shall not be so vested for twelve months from the time of registration of such caution or of the last caution if more than one are registered.

Rev. Stat.,
c. 148, s. 12,
subs. 7,
amended.

- (2) Subsection 7 of the said section 12 is amended by striking out all the words after the word "situate" in the thirteenth line.

Rev. Stat.,
c. 151,
amended.

4. *The Public Trustee Act* is amended by adding thereto the following section:

Acting
committee of
estates of
persons in
certain
Dominion
hospitals.

- 15.—(1) The Public Trustee shall be *ex officio* committee of the estate of every person who has no other committee and is detained as an insane person in any hospital established under the provisions of *An Act to confer Certain Powers respecting Hospitals on the Lieutenant-Governor in Council* being chapter 108 of the Ontario Statutes for 1920.

Powers as
committee.

- (2) The Public Trustee as such committee shall have similar powers and authority with regard to the estates of such persons as he has with regard to the estates of persons confined in the Ontario Hospitals for the Insane.

Rev. Stat.,
c. 154, s. 5,
cl. b,
amended.

- 5.—(1) The clause lettered *b* in section 5 of *The Quieting Titles Act* is amended by adding at the end thereof the words "save and except mortgages of which discharges have been registered more than ten years prior to the date of the application and the discharges of such mortgages," so that the clause will now read as follows:

(2) The words struck out deal with the matter taken care of by the amendments to *The Registry Act* and *The Land Titles Act*.

Section 4. This empowers the Public Trustee to act as committee, with similar authority and powers in regard to estates of persons confined in Dominion hospitals for the care of returned soldiers, as he has for persons confined in Ontario hospitals for the Insane. The Act of 1920 confirmed an agreement between the Dominion Government and the Province as to these institutions

Section 5.—(1) The Master in charge of *The Quieting Titles Act* is able to dispense with part of the abstract of title but cannot dispense with the production of all the instruments affecting the title or certified copies, even though by reason of section 8 of *The Registry Act, 1929*, certain mortgages and discharges are ruled off the abstract. The proposed amendment does not dispense with the production of deeds and certified copies thereof but does dispense with the production of all mortgages of which the discharges have been registered more than ten years prior to the date of the application.

Registered
instruments.

- (b) certified copies of all registered instruments, or registered memorials of instruments, affecting the land, or of all since the last judicial certificate, if any, under this Act, up to the time of the granting of the certificate of title save and except mortgages of which discharges have been registered more than ten years prior to the date of the application and the discharges of such mortgages.

Rev. Stat.,
c. 154, s. 9,
amended.

- (2) Section 9 of *The Quieting Titles Act* is amended by adding at the end thereof the following words "and the production of a certificate from the Treasurer of Ontario that all claims for succession duty in respect of the land to be included in the certificate have been satisfied," so that the section will now read as follows:

Taxes must
be paid
except for
current year.

9. Before a certificate of title is granted satisfactory evidence shall be given by certificate, affidavit or otherwise, that all taxes, rates and assessments for which the land is liable have been paid, or that all, except those for the current year, have been paid, and the production of a certificate from the Treasurer of Ontario that all claims for succession duty in respect of the land to be included in the certificate have been satisfied.

Rev. Stat.,
c. 154, s. 22,
subs. 1,
amended.

- (3) Subsection 1 of section 22 of *The Quieting Titles Act* is amended by adding thereto the following clause:

- (g) Any claim for succession duty.

Rev. Stat.,
c. 155, s. 14,
subs. 2,
repealed.

- 6.—(1) Subsection 2 of section 14 of *The Registry Act* is repealed and the following substituted therefor:

- (2) No registrar, deputy registrar or clerk in a registry office shall personally or as a member of a firm carry on a loaning business or be in any way connected with a firm which transacts business with the office of the registrar.

Rev. Stat.,
c. 155, s. 21,
subs. 8,
amended.

- (2) Subsection 8 of section 21 of *The Registry Act* as amended by section 3 of *The Registry Act, 1929*, is further amended by inserting after the word "administration" in the second line the words "general appointment of new trustees," so that the subsection will now read as follows:

General
registry
book,—
what to be
used for.

- (8) The general register shall be used for recording wills, probates, grants of administration, general appointment of new trustees, certificates of judgment or orders of any court removing or appointing executors, administrators, guardians or trustees and powers of

(2) The effect of this amendment is that before a certificate of title is granted the succession duty must be paid and a certificate filed with the proper officer.

(3) This provides that any claim for title under this Act is subject to a claim for succession duty unless the contrary is expressly stated.

Section 6.—(1) As the law stands at present a registrar and a deputy registrar, if they hold mortgages or have money invested in mortgages personally are prohibited from exercising the power of sale contained in the mortgage, nor can they take foreclosure proceedings. Some registrars and deputy registrars holding mortgages have taken these proceedings and serious objection might be taken to the title. By the proposed amendment these rights are granted to them.

(2) By the present Act an appointment of new trustees is an extremely difficult instrument to prepare as usually there are a very great number of parcels and pieces of land affected by the original trust deed making it a great expense and very difficult to search. The proposed amendment would permit the registration of a general appointment of new trustees under the general register. This would mean that in the future all parties would search the general register for deeds and new appointments of this nature, cutting down expense and simplifying searches.

attorney in which there is a general devise or power affecting land without local description, and claims for lien under *The Mechanics' Lien Act* against land which constitutes the line of railway or right-of-way of a railway company, and also certificates of amalgamation of loan corporations, and where a mortgage of railway or other lands was registered prior to the 1st day of April, 1899, in the general register of any registry division, a discharge of such mortgage or a reconveyance of the mortgaged premises may be registered therein.

Rev. Stat.,
c. 155, s. 55,
amended.

(3) Section 55 of *The Registry Act* is amended by adding thereto the following subsection:

(6) Subject to the provisions of subsection 4, whether letters probate or letters of administration have or have not been granted, no deed, grant, conveyance, mortgage, assignment of mortgage, discharge of mortgage or other instrument purporting to convey, transfer or assign,—

(a) any property standing in the name of a deceased person or held in trust for him or in the names of a deceased person and any other person;

(b) any property over which the deceased person had, at the time of his death a general power of appointment;

(c) any property in which the deceased person at the time of his death had any beneficial interest whatsoever, either at law or in equity;

(d) any property standing in the name of the personal representative of a deceased person or in the names of such personal representatives and any other person;

(e) any property standing in the name of a devisee or beneficiary derived under the will of a deceased person or in the name of such devisee or beneficiary and any other person,

shall be registered, unless the consent in writing of the Treasurer of Ontario is attached thereto, and until such consent is given (notwithstanding anything contained in *The Devolution of Estates Act*) any land so conveyed shall not vest in the person beneficially entitled thereto or his assigns or any person claiming under him.

(3) This amendment provides that after the death of any owner of land no deed, grant, conveyance, etc., shall be registered until the consent of the Treasurer of Ontario is obtained.

Rev. Stat.,
c. 158,
amended.

7. *The Land Titles Act* is amended by adding thereto the following section:

61a. Notwithstanding anything contained in *The Devolution of Estates Act*, or this Act, no executor, administrator, devisee, beneficiary, heir, or any person interested in any freehold or leasehold land, or in any charge or interest therein, shall, by reason of the death of any registered owner of any such land, charge or interest in land be entered as owner until the consent in writing of the Treasurer of Ontario is obtained.

Rev. Stat.,
c. 165, s. 7,
subss. 2, 3,
repealed.

8. Subsections 2 and 3 of section 7 of *The Conditional Sales Act* are repealed and the following substituted therefor:

Seller's
notice of
intention
to sell.

(2) Where the purchase price of the goods exceed \$30 and the seller or lender intends to look to the purchaser or hirer for any deficiency on a resale, the goods shall not be resold until after notice in writing of the intention to sell has been given to the purchaser or hirer or his successor in interest.

What notice
to contain.

(2a) The notice shall contain,—

- (a) a brief description of the goods;
- (b) an itemized statement of the balance of the contract price due and the actual costs and expenses of taking and keeping possession up to the time of the notice;
- (c) a demand that the amount as stated in the notice shall be paid on or before a day mentioned which day shall not be less than twenty days from the day of retaking possession of the goods;
- (d) a statement that, unless the amount stated in the notice is paid within the time mentioned, the goods will be sold either at private sale or advertised and sold by public auction, and that the seller or lender intends to look to the purchaser or hirer for any deficiency occasioned by any resale.

Service of
notice.

(3) The notice shall be served personally upon or left at the residence or last known place of abode in Ontario of the purchaser or hirer or his successor in interest at least five days before the date set out in the notice for payment or may be sent by registered

Section 7. The effect of this amendment is that there shall be no dealing with land by reason of the death of the registered owner unless and until the consent in writing of the Treasurer of Ontario is obtained.

Section 8. It has been held by the British Columbia courts and the decision has been followed in Ontario by the Appellate Division that the words "intended sale" which appear in the present subsection 2 of section 7 mean that an actual purchaser has been found at a definite price. In Nova Scotia the words "intention to sell" are used instead of "intended sale" and the proposed subsection makes this change.

Subsection 2a specifies what is to be set out in the notice.

The present subsection 3 provides that notice shall be given at least five days before "the sale." The proposed subsection provides that the notice shall be given at least five days before "the date set out in the notice."

post at least seven days before such date set out in the notice for payment addressed to the purchaser or hirer or his successor in interest at his last known post office address.

Rev. Stat.,
c. 227, s. 70,
amended.

9. Section 70 of *The Telephone Act* is amended by inserting after the word "subscribers" where it occurs the second time in the second line the words "or the presence in person of at least twenty-five subscribers or one-tenth of all the subscribers," so that the section will now read as follows:

Quorum,
proxies.

70. The presence in person or by proxy of at least fifty subscribers or of one-fourth of all the subscribers, or the presence in person of at least twenty-five subscribers or one-tenth of all the subscribers shall be necessary to constitute a quorum at general meetings, and the instrument appointing a proxy shall be in writing under the hand of the appointer, or if such appointer is a corporation, under its common seal and shall be attested by at least one witness and no person shall be appointed a proxy who is not a subscriber.

Rev. Stat.,
c. 280,
amended.

10. *The Mothers' Allowances Act* is amended by adding thereto the following section:

Investigator
in unorgan-
ized districts
authorized
to take
affidavits,
etc.

8c. The investigator in every unorganized district shall for the purposes of the administration of this Act, have power to take declarations and affidavits and to receive evidence under oath in the same manner and to the same extent as a commissioner for taking affidavits.

Rev. Stat.,
c. 281, s. 2,
subs. 1,
amended.

11. Subsection 1 of section 2 of *The Juvenile Courts Act* is amended by striking out the words "and residence in the county for which he is appointed" in the third and fourth lines, so that the subsection will now read as follows:

Judge,—
appoint-
ment of.

(1) The judge of a juvenile court shall be appointed by the Lieutenant-Governor in Council and shall hold office during good behaviour and shall be subject to removal by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 233, s. 45,
amended.

12.—(1) Section 45 of *The Municipal Act* is amended by adding thereto the following subsection:

Vote of
reeve and
deputy reeve
in towns,
villages and
townships.

(2) Where a town not being a separated town, or a village, or a township in a county, has more than 2,000 and not more than 3,000 municipal electors the reeve shall as a member of the county council have an additional vote, and where it has more than

Section 9. The Commissioners for a number of telephone systems operated by the municipalities under the provisions of Part II of *The Telephone Act* have found it impossible to secure the presence of a sufficient number of subscribers at the annual and other meetings to comply with the requirements of section 70 as now in effect, the result being that the business transacted at meetings not having a legal quorum is in danger of being declared invalid. It is of the utmost importance that proceedings at such meetings should not be open to question by reason of the fact that the Act requires a quorum, which experience has proved in a number of cases, it is impossible to secure.

Section 10. In connection with applications under *The Mothers' Allowances Act* it is necessary to produce affidavits. The residents in outlying districts in getting such affidavits may be forced to travel for miles which means both time and expense to them. This would be eliminated by the proposed amendment.

Section 11. Many of the juvenile court judges are appointed for a city and some of the judges who were living in the city at the time of their appointment have since moved out into the country and may now be a resident of a county where the *Juvenile Delinquent's Act* has not been proclaimed. Objection might be taken to their jurisdiction in regard to appointment and the proposed amendment is to get over this objection.

Section 12. The aim of this section is to clarify certain obscurities in respect to the voting rights of reeves and deputy reeves as members of county councils when the change in representation comes into effect for 1931. Subsection 4 is necessary to protect the position of the reeve and deputy reeves of York and North York Townships who are elected under special Acts.

3,000 municipal electors the reeve and the deputy reeve shall as members of the county council each have an additional vote.

Rev. Stat.,
c. 233, s. 51,
subs. 1
(1930,
c. 44, s. 2),
amended.

(2) Subsection 1 of section 51 of *The Municipal Act* as enacted by section 2 of *The Municipal Amendment Act, 1930*, is amended by striking out all the words therein after the figures "1,000" in the third line and inserting in lieu thereof the words "municipal electors to a deputy reeve," so that the subsection will now read as follows:

Deputy
reeves in
towns,
villages and
townships.

(1) A town not being a separated town and a village and a township in a county shall each be entitled where it has more than 1,000 municipal electors to a deputy reeve.

Commence-
ment of
subss. 1 and
2.

(3) Subsections 1 and 2 shall come into force at the time necessary and shall take effect for the purpose of the annual municipal elections for the year 1932 and for all purposes shall come into force on the 1st day of January, 1932.

Saving as to
townships of
York and
North York.

(4) Nothing in this section nor in section 2 of *The Municipal Amendment Act, 1930*, shall relate to or in any way affect the Townships of York and North York in respect to the reeves and deputy reeves thereof respectively or as members of the county council of the County of York.

Rev. Stat.,
c. 238, s. 40,
amended.

13. Section 40 of *The Assessment Act* is amended by adding thereto the following subsections:

Income
from mining
reserves
to be
assessable.

(12) The income from a rest or reserve or surplus fund established by the owner or operator of a mine or mineral work insofar as it is, with accrued interest thereon, derived from the profits of the mine shall be assessed by and the tax leviable thereon shall be paid to the municipality within which such mine or mineral work is situate.

Apportion-
ment of
assessment
where mine
situate in
two or more
muni-
cipalities.

(13) Where such fund is derived in whole or in part from a mine or mineral work situate partly in one municipality and partly in another each municipality shall have power to assess and tax the income from so much of such fund as was derived from the profits of that part of the mine or mineral work situate in the municipality assessing.

Returns of
income to
be made.

(14) It shall be the duty of the owner, manager, holder, tenant, lessee, occupant or operator of the mine or mineral work to make a return to the assessor of the municipality, when required by him showing the total amount of such fund and the amount of income

Section 13. Mines being subjected only to a limited assessment for real property and income, it is reasonable that income from reserves should be taxed and that the tax go to the municipality in which the mine is situate. The procedure for fixing such taxation is more readily available under *The Mining Tax Act* than under *The Assessment Act* as municipal courts of revision have not the advantages possessed by the Mining Assessor, who is to determine disputes as to assessment of income from reserves.

received from it during the year ending on the 31st day of December then last past and also in the case of a mine or mineral work situate in more than one municipality the amount of such fund derived from the profits of that part of the mine or mineral work situate in each municipality and the provisions of section 23 shall apply in respect of such return.

Mining
Assessor to
settle
disputes.

- (15) Notwithstanding anything in this Act contained any dispute arising in respect to any of the matters covered by subsections 12, 13 and 14 shall be determined by the mine assessor on an application to him, and for such purpose he may exercise the powers conferred on him by *The Mining Tax Act* and his determination of the dispute shall be final and binding and without appeal.

Rev. Stat.,
c. 354,
amended.

- 14.** *The Psychiatric Hospitals Act* is amended by adding thereto the following section:

Post-
graduate
courses,
etc., in
psychiatry.

20. The Minister may direct the establishment and maintenance of post graduate courses and clinical and laboratory research at a psychiatric hospital to be carried on in accordance with any regulations which may be made respecting the same.

1929,
c. 14, s. 4,
amended.

- 15.**—(1) Section 4 of *The Provincial Forests Act, 1929*, is amended by inserting after the word "shall" in the fourth line the words "except where the Lieutenant-Governor in Council may otherwise direct," so that the section will now read as follows:

Lands
reserved,
not to be
located, sold,
etc.

4. From and after the date hereof as to the provincial forests set out in the schedule hereto, and from and after the date of any proclamations issued under the authority of this Act, no land within any such forests shall, except where the Lieutenant-Governor in Council may otherwise direct, be located, sold, leased or otherwise disposed of for the purposes of agricultural settlement.

1929, c. 14,
sched. "A",
amended.

- (2) Schedule "A" to *The Provincial Forests Act, 1929*, is amended by adding to the description of Timagami Provincial Forest the words "excepting therefrom that portion of the Township of Lorrain which was included in said Timber License (1927-1928) number 163," so that the said description will now read as follows:

Section 14. The object of this amendment is to ensure that the medical profession will become better versed in psychiatry by means of post graduate courses, etc., in that branch of science.

Section 15.—(1) Section 4 of *The Provincial Forests Act, 1929*, prohibits the location or sale of lands in provincial forests for agricultural purposes.

(2) In *The Provincial Forests Act, 1929*, an error was made in including in the description of the Timagami Forest Reserve a part of the Township of Lorrain which was not included in Timber License (1927-1928) number 163.

TIMAGAMI PROVINCIAL FOREST.

That area known as the Timagami Forest Reserve, comprising 5,830 square miles more or less with the following addition thereto, namely: Timber License (1927-1928) number 163, comprising 100 square miles more or less excepting therefrom that portion of the Township of Lorrain which was included in said Timber License (1927-1928) number 163.

Application
of 1930,
c. 21, s. 18.

16. Section 18 of *The Statute Law Amendment Act, 1930*, shall not apply, or since it came into force be deemed to have applied to any hospital which at the time the said Act was passed was receiving, or under any Order-in-Council was entitled to receive aid by reason of it not having been established for a period of ten years, or to the Victoria General Hospital at Renfrew, the Plummer Memorial Public Hospital at Sault Ste. Marie, the General Hospital at Port Arthur, and the Misericordia Hospital at Haileybury, and aid may be granted and continued to any hospital to which the said section 18 is, by virtue hereof, not to apply as may be directed by the Lieutenant-Governor in Council.

1930,
c. 115, s. 27,
repealed.

17. Section 27 of *The Niagara Peninsula Sanatorium Act* is repealed.

Public
Utilities
Commission
of St.
Catharines
declared to
be validly
established.

18. The Public Utilities Commission of the City of St. Catharines, formerly the Hydro-Electric Commission of the City of St. Catharines, is declared to have been from the 1st day of January, 1914, validly established under the provisions and for the purposes of *The Public Utilities Act*, and By-law number 4013 of the corporation of the City of St. Catharines relating thereto is hereby confirmed.

By-law
No. 1326 of
town of
Walkerville
confirmed.

19. By-law Number 1326 of the corporation of the Town of Walkerville providing for the construction of a subway under the tracks of the Pere Marquette and the Lake Erie and Detroit River Railway Companies in the Town of Walkerville authorized by the Board of Railway Commissioners for Canada, and By-law Number 1327 of the said corporation authorizing the acquisition of lands for such purposes, are hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof, and the construction of the said work and the acquisition of the said lands, hereinafter referred to as the undertaking, and all temporary advances heretofore or hereafter obtained to meet the cost of the undertaking pending the completion of it shall conclusively be deemed to have been legally undertaken, authorized and obtained, and the council of the said corporation may when the said undertaking has been com-

Section 16. For a further limited period it is desirable to extend provincial aid to the public hospitals referred to in this section which prior to 1930 they had been receiving or which upon their recent establishment it was anticipated would be continued.

Section 17. The repealed section directly conflicts with the new *Sanatoria for Consumptives Act, 1931*.

Section 18. When the Public Utilities Commission came into existence in St. Catharines in 1914 an irregularity of procedure for establishment occurred which it is desirable to overcome by this validation.

Section 19. The subway work, etc., covered by the by-law of Walkerville which is confirmed was undertaken as an unemployment relief work and as there is some doubt as to *The Unemployment Relief Act, 1931* being applicable it is desirable to confirm the by-law and all proceedings in relation thereto.

pleted pass a by-law or by-laws to borrow on the credit of the corporation by the issue and sale of debentures, payable in not more than thirty years from the date thereof, such sums or sums as may be necessary to repay the said temporary advances and to defray the cost of the said undertaking, after deducting any contributions made towards the cost thereof, and no such by-law or by-laws shall require the assent of the electors entitled to vote on money by-laws or the approval of the Ontario Railway and Municipal Board under the provisions of *The Municipal Act*.

Rev. Stat.,
c. 121, s. 13,
subs. 3,
repealed.

20. Subsection 3 of section 13 of *The Summary Convictions Act* is repealed and the following substituted therefor:

Certiorari
or motion
therefor not
to be
granted
where defen-
dant has
appealed.

- (3) No such order or conviction and no order or conviction made on appeal therefrom shall be removed into the Supreme Court by a writ of *certiorari* or motion instead thereof if the defendant has appealed from such order or conviction to any court to which an appeal from such order or conviction is authorized by law.

Rev. Stat.,
c. 223, s. 148,
subs. 1
(1930, c.
c. 42, s. 8),
amended.

21. Subsection 1 of section 148 of *The Loan and Trusts Corporation Act* as re-enacted by section 8 of *The Loan and Trusts Corporation Act, 1930*, is amended by striking out the word "verify" in the fourth line and inserting in lieu thereof the words "inspect and examine," so that the said subsection will now read as follows:

Annual
inspection
of regist-
ered corpora-
tions.

- (1) The Registrar shall visit personally or cause a duly qualified member of his staff to visit at least once annually the head office of each corporation registered under this Act, and he shall inspect and examine the statements of the condition and affairs of each corporation and make such inquiries as are necessary to ascertain its condition and ability to provide for the payment of its liabilities as and when they become due, and whether or not it has complied with all the provisions of this Act, and the Registrar shall report thereon to the Minister, as to all matters requiring his attention and decision.

1928,
c. 33, s. 4,
subs. 1,
amended.

22. Subsection 1 of section 4 of *The Companies Information Act* is amended by striking out the words "unless a corporation liable to payment of taxes under section 3 of *The Corporations Tax Act*" in the sixth and seventh lines and inserting in lieu thereof the words "unless a corporation registered under *The Loan and Trust Corporations Act*", so that the first twelve lines of the said subsection will now read as follows:

Section 20. This section is intended to correct a printer's error in the Revised Statutes of 1927 where a line had been inadvertently omitted thus destroying the sense of the section.

Section 21. This amends the section in *The Loan and Trust Corporations Act* which provides for the annual inspection of registered corporations. As the section now reads it requires the "verification" of the corporation's statement. The literal meaning of this word imposes a responsibility on the Department it was not intended should be assumed. The words "inspect and examine" more accurately describe the work undertaken by the Department.

Section 22. This amendment is necessary in order to get returns from companies as all of them are now paying taxes under *The Corporations Tax Act*.

- (1) On or before the 1st day of February in each and every year without notice or demand to that effect, every corporation incorporated under the laws of Ontario, and every other corporation having its head or other office or doing business or any part thereof, in the Province of Ontario, shall, unless a corporation registered under *The Loan and Trust Corporations Act*, or unless an insurer licensed under *The Insurance Act*, make out, verify and deliver to the Provincial Secretary as hereinafter required, a detailed return containing as of the 31st day of December next preceding, correctly stated, the following information and particulars:

Rev. Stat.,
c. 233, s. 23,
amended.

23.—(1) Subsection 5 of section 23 of *The Municipal Act* is amended by inserting after the word "village" in the second line the words "or 500 electors of a city," and by inserting before the word "town" in the fifth and seventh lines the word "city" so that the said subsection will now read as follows:

By-law
to be sub-
mitted on
petition for
annexation.

- (5) If a petition, signed by at least 150 electors of a town or village, or 500 electors of a city, praying that it may be annexed to an adjacent urban municipality, either unconditionally or on such terms as may be stated in the petition, is presented to the council of the city, town or village, the council shall within four weeks after the presentation of the petition submit to the electors of the city, town or village for their assent thereto, a by-law providing for its annexation on the terms mentioned in the petition.

Rev. Stat.,
c. 233, s. 23,
amended.

(2) The said section 23 is further amended by adding thereto the following subsection:

Amalgama-
tion of
urban
municipi-
palities.

- (6) The provisions of this section shall *mutatis mutandis* apply to the amalgamation of two or more urban municipalities, including cities, whether adjacent or not and whether by way of annexation or otherwise, but no such amalgamation shall be approved by the Municipal Board until the same has been assented to by the electors of each such urban municipality.

Rev. Stat.,
c. 188, ss. 17,
18, 26, 27
and 28,
amended.

24. Sections 17, 18, 26, 27 and 28 of *The Children of Unmarried Parents Act* are amended by striking out the words "the Judge" wherever they occur in the said sections and inserting in lieu thereof the words "a judge."

Section 23. Section 23 of *The Municipal Act* does not contemplate an amalgamation or annexation of one city with or to another city, and this amendment is to enable such amalgamation or annexation to take place.

Section 24. This amendment is to permit subsequent applications being made before a judge other than the one who made the original order.

Rev. Stat.,
c. 233, s. 380,
subs. 1,
amended.

25.—(1) Subsection 1 of section 380 of *The Municipal Act* is amended by striking out the words "the Inspector of Prisons and Public Charities" in the fifth and sixth lines and inserting in lieu thereof the words "an inspector appointed under *The Public Institutions Inspection Act, 1931.*"

Rev. Stat.,
c. 233, s. 393,
subs. 1,
amended.

(2) Subsection 1 of section 393 of *The Municipal Act* is amended by striking out the words "the Inspector of Prisons and Public Charities" in the second line and inserting in lieu thereof the words "an inspector appointed under *The Public Institutions Inspection Act, 1931.*"

Rev. Stat.,
c. 345, s. 1,
cl. b,
repealed.

26. Clause *b* of section 1 of *The Reformatory Act* is repealed and the following substituted therefor:

"Inspector."

(b) "Inspector" shall mean an inspector appointed under *The Public Institutions Inspection Act, 1931.*

Rev. Stat.,
c. 346, s. 1,
cls. a and d,
repealed.

27.—(1) Clauses *a* and *d* of section 1 of *The Andrew Mercer Reformatory Act* are repealed and the following substituted therefor:

"Inspector."

(a) "Inspector" shall mean an inspector appointed under *The Public Institutions Inspection Act, 1931.*

"Inspector."

(d) "Regulations" shall mean regulations made under *The Public Institutions Inspection Act, 1931.*

Rev. Stat.,
c. 346, s. 19,
repealed.

(2) Section 19 of *The Andrew Mercer Reformatory Act* is repealed.

Rev. Stat.,
c. 350, ss. 3,
4, 12 and 13,
amended.

28.—(1) Wherever in sections 3, 4, 12 and 13 of *The Industrial Farms Act* the words "one of the inspectors of prisons and public charities" occur the words "an inspector appointed under *The Public Institutions Inspection Act, 1931,*" are substituted therefor.

Rev. Stat.,
c. 350, s. 15,
amended.

(2) Section 15 of *The Industrial Farms Act* is amended by striking out the words "one of the inspectors of prisons and public charities" at the commencement of the said section and inserting in lieu thereof the words "an inspector appointed under *The Public Institutions Inspection Act, 1931.*"

Rev. Stat.,
c. 351, s. 1,
cl. a,
repealed.

29. Clause *a* of section 1 of *The Gaols Act* is repealed and the following substituted therefor:

"Inspector."

(a) "Inspector" shall mean an inspector appointed under *The Public Institutions Inspection Act, 1931.*

Rev. Stat.,
c. 353, s. 1,
cls. c and g,
repealed.

30.—(1) Clauses *c* and *g* of section 1 of *The Hospitals for the Insane Act* are repealed and the following substituted therefor:

Sections 25 to 32. The reasons for the amendments contained in these sections are simply to avoid the confusion which would arise if the amendments were not made having regard to the fact that *The Prisons and Public Charities Inspection Act* is being repealed and *The Public Institutions Inspection Act, 1931*, is being substituted therefor.

"Inspector." (c) "Inspector" shall mean an inspector appointed under *The Public Institutions Inspection Act, 1931*.

"Regulations." (g) "Regulations" shall mean regulations made under *The Public Institutions Inspection Act, 1931*.

Rev. Stat.,
c. 353, s. 61,
subs. 1,
amended. (2) Subsection 1 of section 61 of *The Hospitals for the Insane Act* is amended by striking out the words "of Prisons and Public Charities" in the eleventh and twelfth lines.

Rev. Stat.,
c. 353, s. 62,
subs. 1,
amended. (3) Subsection 1 of section 62 of *The Hospitals for the Insane Act* is amended by striking out the words "of Prisons and Public Charities" in the second line and in the sixth line.

Rev. Stat.,
c. 355, s. 1,
cl. c,
repealed. **31.**—(1) Clause *c* of section 1 of *The Private Sanitarium Act* is repealed and the following substituted therefor:

"Inspector." (c) "Inspector" shall mean an inspector appointed under *The Public Institutions Inspection Act, 1931*.

Rev. Stat.,
c. 355, s. 70,
repealed. (2) Section 70 of *The Private Sanitarium Act* is repealed.

Rev. Stat.,
c. 356, s. 3,
amended. **32.** Section 3 of *The Ontario Hospital, Woodstock, Act* is amended by striking out the words "*The Prisons and Public Charities Inspection Act*" in the first and second lines and inserting in lieu thereof the words "*The Public Institutions Inspection Act, 1931*."

Rev. Stat.,
c. 189, s. 1,
subs. 1,
amended. **33.**—(1) Subsection 1 of section 1 of *The Adoption Act* is amended by striking out the words "Attorney General" in the fourth and fifth lines and inserting in lieu thereof the words "Minister of Public Welfare."

Rev. Stat.,
c. 189, s. 2,
subs. 1,
repealed. (2) Subsection 1 of section 2 of *The Adoption Act* as amended by subsection 1 of section 2 of *The Adoption Act, 1928*, is repealed and the following substituted therefor:

When consent of Minister to be obtained. (1) Except with the consent of the Minister of Public Welfare an adoption order shall not be made in any case where,—

(a) the applicant is under the age of twenty-five years; or

(b) the applicant is less than twenty-one years older than the infant in respect of whom the application is made.

Rev. Stat.,
c. 189, s. 2,
subs. 3,
amended. (3) Subsection 3 of the said section 2 as amended by clause *b* of subsection 2 of section 2 of *The Adoption Act*,

Section 33.—(1) This amendment is necessary by reason of the transfer of this Act to the Department of Public Welfare.

(2) It may be desirable that in certain cases adoption orders be made even where the applicants are under 25 or not 21 years older than the infant, and power is therefore given for such orders being made if the Minister consents.

(3) This amendment is to ensure that persons having lawful control over an infant as distinct from actual custody shall be notified of any application for adoption of such infant.

1928, and section 11 of *The Statute Law Amendment Act, 1929*, is amended by inserting after the word "custody" in the fourth line the words "or lawful control" so that the first part of the subsection will now read as follows:

Consent
required to
adoption
order.

- (3) An adoption order shall not be made except with the consent of every person or body who is a parent or guardian of the infant in respect of whom the application is made or who has the actual custody or lawful control of the infant or who is liable to contribute to the support of the infant:

Rev. Stat.,
c. 55, s. 1,
cl. a,
repealed.

34. The clause lettered *a* in section 1 of *The Gasoline Tax Act* is repealed and the following substituted therefor:

- (a) "Gasoline" shall mean the liquid derived from petroleum or natural gas commonly known or sold as gasoline, benzol and all other liquids by whatever name known or sold, containing any derivative of petroleum or natural gas and produced, prepared or compounded for the purpose of generating power by means of internal combustion or which may be used for such purpose, except the product commonly known as kerosene oil.

35. Notwithstanding anything contained in *The Insurance Act*, sections 274 and 275 of the said Act shall not be deemed to be in force until a day to be named by the Lieutenant-Governor by his Proclamation.

Section 34. "Benzol," which is a by-product of coke, is being used with gasoline, producing what is known as "low test gas." Manufacturers claim that under the present *Gasoline Tax Act* they are not compelled to pay the tax on this particular product because the Act distinctly states that "gasoline" shall mean the liquid derived from petroleum or natural gas commonly known or sold as gasoline, or any derivative of petroleum or natural gas. The practice is to mix fifty per cent. benzol and fifty per cent. gasoline.

Section 35. The purpose of this is to remove the obligation presently imposed upon the Department to enforce sections 274 and 275 of *The Insurance Act* relating to the regulation of insurance rates. It is necessary in order to accord with the policy of the government determined after consideration of the Hodgins Report. The sections may be brought into force along with section 275a if and when the government determines to undertake the regulation of insurance rates along the lines recommended by the Commissioner.

The Statute Law Amendment Act, 1931.

1st Reading

March 30th, 1931

2nd Reading

3rd Reading

MR. PRICE

No. 182

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

The Statute Law Amendment Act, 1931.

MR. PRICE

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Statute Law Amendment Act, 1931.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 19,
amended.

1. *The Public Officers' Fees Act* is amended by adding thereto the following section:

COMPULSORY RETIREMENT OF OFFICERS.

Compulsory
retirement
of officers.

13. An officer, other than a sheriff, to whom this Act applies shall cease to hold office upon attaining the age of eighty years and the appointment of his successor.

Rev. Stat.,
c. 88, s. 82,
subs. 2,
amended.

2. Subsection 2 of section 82 of *The Judicature Act* is amended by adding after the words "Crown and Pleas" in the first line of clause *a*, the words "or a local registrar," so that the subsection will now read as follows:

Certain
officers
paid by
salary may
take fees.

(2) Subsection 1 shall not apply to the fees of,—

- (a) a deputy clerk of the Crown and Pleas, or a local registrar on an examination had before him as a special examiner or on a reference made to him as an official referee.
- (b) a stenographic reporter for copies of short-hand notes of evidence, who shall be entitled to take the fees prescribed by Order-in-Council.

Rev. Stat.,
c. 148, s. 12,
subs. 1,
amended.

3.—(1) Subsection 1 of section 12 of *The Devolution of Estates Act* is amended by inserting after the word "Act" in the sixth line the words and figures "and subject to subsection 6 of section 55 of *The Registry Act*," so that the subsection will now read as follows:

- (1) Real property not disposed of, conveyed to, divided or distributed among the persons beneficially entitled thereto, under the provisions of section 20, by the personal representative within three years after the death of the deceased shall, subject to *The Land Titles Act* in the case of land registered under that Act, and subject to subsection 6 of section 55 of *The Registry Act* and subject as hereinafter provided, at the expiration of that period, whether probate or letters of administration have or have not been taken, be thenceforth vested in the persons beneficially entitled thereto under the will or upon the intestacy or their assigns without any conveyance by the personal representative unless such personal representative, if any, has registered in the proper registry or land titles office, a caution, Form I, under his hand, and if such caution is so registered such real property or the part thereof mentioned therein shall not be so vested for twelve months from the time of registration of such caution or of the last caution if more than one are registered.

Vesting of
real estate
not disposed
of within
three years.

- (2) Subsection 7 of the said section 12 is amended by striking out all the words after the word "situate" in the thirteenth line.

Rev. Stat.,
c. 148, s. 12,
subs. 7,
amended.

4. *The Public Trustee Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 151,
amended.

- 15.—(1) The Public Trustee shall be *ex officio* committee of the estate of every person who has no other committee and is detained as an insane person in any hospital established under the provisions of *An Act to confer Certain Powers respecting Hospitals on the Lieutenant-Governor in Council* being chapter 108 of the Ontario Statutes for 1920.

Acting
committee of
estates of
persons in
certain
Dominion
hospitals.

- (2) The Public Trustee as such committee shall have similar powers and authority with regard to the estates of such persons as he has with regard to the estates of persons confined in the Ontario Hospitals for the Insane.

Powers as
committee.

- 5.—(1) The clause lettered *b* in section 5 of *The Quieting Titles Act* is amended by adding at the end thereof the words "save and except mortgages of which discharges have been registered more than ten years prior to the date of the application and the discharges of such mortgages," so that the clause will now read as follows:

Rev. Stat.,
c. 154, s. 5,
cl. b,
amended.

Registered
instruments.

- (b) certified copies of all registered instruments, or registered memorials of instruments, affecting the land, or of all since the last judicial certificate, if any, under this Act, up to the time of the granting of the certificate of title save and except mortgages of which discharges have been registered more than ten years prior to the date of the application and the discharges of such mortgages.

Rev. Stat.,
c. 154, s. 9,
amended.

- (2) Section 9 of *The Quieting Titles Act* is amended by adding at the end thereof the following words "and the production of a certificate from the Treasurer of Ontario that all claims for succession duty in respect of the land to be included in the certificate have been satisfied," so that the section will now read as follows:

Taxes must
be paid
except for
current year.

9. Before a certificate of title is granted satisfactory evidence shall be given by certificate, affidavit or otherwise, that all taxes, rates and assessments for which the land is liable have been paid, or that all, except those for the current year, have been paid, and the production of a certificate from the Treasurer of Ontario that all claims for succession duty in respect of the land to be included in the certificate have been satisfied.

Rev. Stat.,
c. 154, s. 22,
subs. 1,
amended.

- (3) Subsection 1 of section 22 of *The Quieting Titles Act* is amended by adding thereto the following clause:

(g) Any claim for succession duty.

Rev. Stat.,
c. 155, s. 14,
subs. 2,
repealed.

- 6.—(1) Subsection 2 of section 14 of *The Registry Act* is repealed and the following substituted therefor:

Idem.

- (2) No registrar, deputy registrar or clerk in a registry office shall personally or as a member of a firm carry on a loaning business or be in any way connected with a firm which transacts business with the office of the registrar.

Rev. Stat.,
c. 155, s. 21,
subs. 8,
amended.

- (2) Subsection 8 of section 21 of *The Registry Act* as amended by section 3 of *The Registry Act, 1929*, is further amended by inserting after the word "administration" in the second line the words "general appointment of new trustees," so that the subsection will now read as follows:

General
registry
book,—
what to be
used for.

- (8) The general register shall be used for recording wills, probates, grants of administration, general appointment of new trustees, certificates of judgment or orders of any court removing or appointing executors, administrators, guardians or trustees and powers of

attorney in which there is a general devise or power affecting land without local description, and claims for lien under *The Mechanics' Lien Act* against land which constitutes the line of railway or right-of-way of a railway company, and also certificates of amalgamation of loan corporations, and where a mortgage of railway or other lands was registered prior to the 1st day of April, 1899, in the general register of any registry division, a discharge of such mortgage or a reconveyance of the mortgaged premises may be registered therein.

(3) Section 55 of *The Registry Act* is amended by adding thereto the following subsections: Rev. Stat.,
c. 155, s. 55,
amended.

(6) Subject to the provisions of subsection 4, whether letters probate or letters of administration have or have not been granted, no deed, grant, conveyance, mortgage, assignment of mortgage, discharge of mortgage or other instrument purporting to convey, transfer or assign,— Instruments
affecting
lands of
deceased
owner not
to be
registered
until consent
of Provincial
Treasurer
given.

(a) any property standing in the name of a deceased person or held in trust for him or in the names of a deceased person and any other person;

(b) any property over which the deceased person had, at the time of his death a general power of appointment;

(c) any property in which the deceased person at the time of his death had any beneficial interest whatsoever, either at law or in equity;

(d) any property standing in the name of the personal representative of a deceased person or in the names of such personal representatives and any other person;

(e) any property standing in the name of a devisee or beneficiary derived under the will of a deceased person or in the name of such devisee or beneficiary and any other person,

shall be registered, unless the consent in writing of the Treasurer of Ontario is attached thereto, and until such consent is given (notwithstanding anything contained in *The Devolution of Estates Act*) any land so conveyed shall not vest in the person beneficially entitled thereto or his assigns or any person claiming under him.

Issue by
Treasurer of
general certi-
ficate to
registration.

- (7) The Treasurer of Ontario may issue a general certificate that all succession duty payable in respect to the estate or any lands forming part of the estate of a deceased person have been paid and satisfied or that security for such payment as required under the provisions of *The Succession Duty Act* has been given, and upon registration of the certificate it shall not be necessary that the provisions of subsection 6 be complied with in respect to any lands described in such certificate.

Certificate
to contain
local
description
of lands.

- (8) A certificate to be registered under subsection 7 shall contain a local description of the lands mentioned therein and registration thereof shall be made by production of the original certificate and deposit of a true copy thereof or of so much thereof as relates to the lands situate in the registry division for which the same is to be registered with an affidavit verifying such copy.

Mode of
recording
general
certificate.

- (9) A certificate registered under subsection 8 shall be recorded and particulars thereof entered in the same manner as upon registration of an instrument which affects land by local description and for the purposes of this subsection and of subsection 8 "local description" shall have the meaning set forth in subsection 6 of section 32.

Rev. Stat.,
c. 158,
amended.

7. *The Land Titles Act* is amended by adding thereto the following section:

Transfer of
interest of
deceased
owner not
to be
entered
without
consent of
Provincial
Treasurer.

- 61a. Notwithstanding anything contained in *The Devolution of Estates Act*, or this Act, no executor, administrator, devisee, beneficiary, heir, or any person interested in any freehold or leasehold land, or in any charge or interest therein, shall, by reason of the death of any registered owner of any such land, charge or interest in land be entered as owner until the consent in writing of the Treasurer of Ontario is obtained, which consent may be in respect to all or any of the land, charge, or interest in land of such deceased registered owner.

Rev. Stat.,
c. 165, s. 7,
subss. 2, 3,
repealed.

8. Subsections 2 and 3 of section 7 of *The Conditional Sales Act* are repealed and the following substituted therefor:

Seller's
notice of
intention
to sell.

- (2) Where the purchase price of the goods exceed \$30 and the seller or lender intends to look to the purchaser or hirer for any deficiency on a resale, the goods shall not be resold until after notice in writing of the intention to sell has been given to the purchaser or hirer or his successor in interest.

(2a) The notice shall contain,—

What notice
to contain.

- (a) a brief description of the goods;
- (b) an itemized statement of the balance of the contract price due and the actual costs and expenses of taking and keeping possession up to the time of the notice;
- (c) a demand that the amount as stated in the notice shall be paid on or before a day mentioned which day shall not be less than twenty days from the day of retaking possession of the goods;
- (d) a statement that, unless the amount stated in the notice is paid within the time mentioned, the goods will be sold either at private sale or advertised and sold by public auction, and that the seller or lender intends to look to the purchaser or hirer for any deficiency occasioned by any resale.

- (3) The notice shall be served personally upon or left at the residence or last known place of abode in Ontario of the purchaser or hirer or his successor in interest at least five days before the date set out in the notice for payment or may be sent by registered post at least seven days before such date set out in the notice for payment addressed to the purchaser or hirer or his successor in interest at his last known post office address.

Service of
notice.

9. Section 70 of *The Telephone Act* is amended by inserting after the word "subscribers" where it occurs the second time in the second line the words "or the presence in person of at least twenty-five subscribers or one-tenth of all the subscribers," so that the section will now read as follows:

Rev. Stat.,
c. 227, s. 70,
amended.

70. The presence in person or by proxy of at least fifty subscribers or of one-fourth of all the subscribers, or the presence in person of at least twenty-five subscribers or one-tenth of all the subscribers shall be necessary to constitute a quorum at general meetings, and the instrument appointing a proxy shall be in writing under the hand of the appointer, or if such appointer is a corporation, under its common seal and shall be attested by at least one witness and no person shall be appointed a proxy who is not a subscriber.

Quorum,
proxies.

Rev. Stat.,
c. 280,
amended.

10. *The Mothers' Allowances Act* is amended by adding thereto the following section:

Investigator
in unorgan-
ized districts
authorized
to take
affidavits,
etc.

8c. The investigator in every unorganized district shall for the purposes of the administration of this Act, have power to take declarations and affidavits and to receive evidence under oath in the same manner and to the same extent as a commissioner for taking affidavits.

Rev. Stat.,
c. 281, s. 2,
subs. 1,
amended.

11. Subsection 1 of section 2 of *The Juvenile Courts Act* is amended by striking out the words "and residence in the county for which he is appointed" in the third and fourth lines, so that the subsection will now read as follows:

Judge,—
appoint-
ment of.

(1) The judge of a juvenile court shall be appointed by the Lieutenant-Governor in Council and shall hold office during good behaviour and shall be subject to removal by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 233, s. 45,
amended.

12.—(1) Section 45 of *The Municipal Act* is amended by adding thereto the following subsection:

Vote of
reeve and
deputy reeve
in towns,
villages and
townships.

(2) Where a town not being a separated town, or a village, or a township in a county, has more than 2,000 and not more than 3,000 municipal electors the reeve shall as a member of the county council have an additional vote, and where it has more than 3,000 municipal electors the reeve and the deputy reeve shall as members of the county council each have an additional vote.

Rev. Stat.,
c. 233, s. 51,
subs. 1
(1930,
c. 44, s. 2),
amended.

(2) Subsection 1 of section 51 of *The Municipal Act* as enacted by section 2 of *The Municipal Amendment Act, 1930*, is amended by striking out all the words therein after the figures "1,000" in the third line and inserting in lieu thereof the words "municipal electors to a deputy reeve," so that the subsection will now read as follows:

Deputy
reeves in
towns,
villages and
townships.

(1) A town not being a separated town and a village and a township in a county shall each be entitled where it has more than 1,000 municipal electors to a deputy reeve.

Commence-
ment of
subss. 1 and
2.

(3) Subsections 1 and 2 shall come into force at the time necessary and shall take effect for the purpose of the annual municipal elections for the year 1932 and for all purposes shall come into force on the 1st day of January, 1932.

Saving as to
townships of
York and
North York.

(4) Nothing in this section nor in section 2 of *The Municipal Amendment Act, 1930*, shall relate to or in any way affect

the Townships of York and North York in respect to the reeves and deputy reeves thereof respectively or as members of the county council of the County of York.

13. Section 40 of *The Assessment Act* is amended by adding thereto the following subsections: Rev. Stat.,
c. 238, s. 40,
amended.

(11) The income from a rest or reserve or surplus fund established by the owner or operator of a mine or mineral work insofar as it is, with accrued interest thereon, derived from the profits of the mine shall be assessed by and the tax leviable thereon shall be paid to the municipality within which such mine or mineral work is situate. Income
from mining
reserves
to be
assessable.

(12) Where such fund is derived in whole or in part from a mine or mineral work situate partly in one municipality and partly in another each municipality shall have power to assess and tax the income from so much of such fund as was derived from the profits of that part of the mine or mineral work situate in the municipality assessing. Apportion-
ment of
assessment
where mine
situate in
two or more
municipal-
ities.

(13) It shall be the duty of the owner, manager, holder, tenant, lessee, occupant or operator of the mine or mineral work to make a return to the assessor of the municipality, when required by him showing the total amount of such fund and the amount of income received from it during the year ending on the 31st day of December then last past and also in the case of a mine or mineral work situate in more than one municipality the amount of such fund derived from the profits of that part of the mine or mineral work situate in each municipality and the provisions of section 23 shall apply in respect of such return. Returns of
income to
be made.

(14) Notwithstanding anything in this Act contained any dispute arising in respect to any of the matters covered by subsections 12, 13 and 14 shall be determined by the mine assessor on an application to him, and for such purpose he may exercise the powers conferred on him by *The Mining Tax Act* and his determination of the dispute shall be final and binding and without appeal. Mining
Assessor to
settle
disputes.

14.—(1) *The Psychiatric Hospitals Act* is amended by adding thereto the following section: Rev. Stat.,
c. 354,
amended.

Post-graduate courses, etc., in psychiatry.

20. The Minister may direct the establishment and maintenance of post graduate courses and clinical and laboratory research at a psychiatric hospital to be carried on in accordance with any regulations which may be made respecting the same.

Rev. Stat., c. 354, s. 1, cl. b, repealed.

- (2) Clause *b* of section 1 of the said Act is repealed and the following substituted therefor:

"Inspector," —meaning of.

- (*b*) "Inspector" shall mean an inspector appointed under *The Public Institutions Inspection Act, 1931*.

1929, c. 14, s. 4, amended.

- 15.—(1) Section 4 of *The Provincial Forests Act, 1929*, is amended by inserting after the word "shall" in the fourth line the words "except where the Lieutenant-Governor in Council may otherwise direct," so that the section will now read as follows:

Lands reserved, not to be located, sold, etc.

4. From and after the date hereof as to the provincial forests set out in the schedule hereto, and from and after the date of any proclamations issued under the authority of this Act, no land within any such forests shall, except where the Lieutenant-Governor in Council may otherwise direct, be located, sold, leased or otherwise disposed of for the purposes of agricultural settlement.

1929, c. 14, sched. "A," amended.

- (2) Schedule "A" to *The Provincial Forests Act, 1929*, is amended by adding to the description of Timagami Provincial Forest the words "excepting therefrom that portion of the Township of Lorrain which was included in said Timber License (1927-1928) number 163," so that the said description will now read as follows:

TIMAGAMI PROVINCIAL FOREST.

That area known as the Timagami Forest Reserve, comprising 5,830 square miles more or less with the following addition thereto, namely: Timber License (1927-1928) number 163, comprising 100 square miles more or less excepting therefrom that portion of the Township of Lorrain which was included in said Timber License (1927-1928) number 163.

Application of 1930, c. 21, s. 18.

16. Section 18 of *The Statute Law Amendment Act, 1930*, shall not apply, or since it came into force be deemed to have applied to any hospital which at the time the said Act was passed was receiving, or under any Order-in-Council was entitled to receive aid by reason of it not having been established for a period of ten years, or to the Victoria General

Hospital at Renfrew, the Plummer Memorial Public Hospital at Sault Ste. Marie, the General Hospital at Port Arthur, and the Misericordia Hospital at Haileybury, and aid may be granted and continued to any hospital to which the said section 18 is, by virtue hereof, not to apply as may be directed by the Lieutenant-Governor in Council.

17. Section 27 of *The Niagara Peninsula Sanatorium Act* 1930, c. 115, s. 27, is repealed. repealed.

18. The Public Utilities Commission of the City of St. Catharines, formerly the Hydro-Electric Commission of the City of St. Catharines, is declared to have been from the 1st day of January, 1914, validly established under the provisions and for the purposes of *The Public Utilities Act*, and By-law number 4013 of the corporation of the City of St. Catharines relating thereto is hereby confirmed. Public Utilities Commission of St. Catharines declared to be validly established.

19. By-law Number 1326 of the corporation of the Town of Walkerville providing for the construction of a subway under the tracks of the Pere Marquette and the Lake Erie and Detroit River Railway Companies in the Town of Walkerville authorized by the Board of Railway Commissioners for Canada, and By-law Number 1327 of the said corporation authorizing the acquisition of lands for such purposes, are hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof, and the construction of the said work and the acquisition of the said lands, hereinafter referred to as the undertaking, and all temporary advances heretofore or hereafter obtained to meet the cost of the undertaking pending the completion of it shall conclusively be deemed to have been legally undertaken, authorized and obtained, and the council of the said corporation may when the said undertaking has been completed pass a by-law or by-laws to borrow on the credit of the corporation by the issue and sale of debentures, payable in not more than thirty years from the date thereof, such sums or sums as may be necessary to repay the said temporary advances and to defray the cost of the said undertaking, after deducting any contributions made towards the cost thereof, and no such by-law or by-laws shall require the assent of the electors entitled to vote on money by-laws or the approval of the Ontario Railway and Municipal Board under the provisions of *The Municipal Act*. By-law No. 1326 of town of Walkerville confirmed.

20. Subsection 3 of section 13 of *The Summary Convictions Act* is repealed and the following substituted therefor: Rev. Stat., c. 121, s. 13, subs. 3, repealed.

(3) No such order or conviction and no order or conviction made on appeal therefrom shall be removed into the Supreme Court by a writ of *certiorari* or *Certiorari* or motion therefor not to be granted where defendant has appealed.

motion instead thereof if the defendant has appealed from such order or conviction to any court to which an appeal from such order or conviction is authorized by law.

Rev. Stat.,
c. 223, s. 148,
subs. 1
(1930, c.
c. 42, s. 8),
amended.

21. Subsection 1 of section 148 of *The Loan and Trusts Corporation Act* as re-enacted by section 8 of *The Loan and Trusts Corporation Act, 1930*, is amended by striking out the word "verify" in the fourth line and inserting in lieu thereof the words "inspect and examine," so that the said subsection will now read as follows:

Annual
inspection
of regis-
tered corpora-
tions.

- (1) The Registrar shall visit personally or cause a duly qualified member of his staff to visit at least once annually the head office of each corporation registered under this Act, and he shall inspect and examine the statements of the condition and affairs of each corporation and make such inquiries as are necessary to ascertain its condition and ability to provide for the payment of its liabilities as and when they become due, and whether or not it has complied with all the provisions of this Act, and the Registrar shall report thereon to the Minister, as to all matters requiring his attention and decision.

1928,
c. 33, s. 4,
subs. 1,
amended.

22. Subsection 1 of section 4 of *The Companies Information Act* is amended by striking out the words "unless a corporation liable to payment of taxes under section 3 of *The Corporations Tax Act*" in the sixth and seventh lines and inserting in lieu thereof the words "unless a corporation registered under *The Loan and Trust Corporations Act*", so that the first twelve lines of the said subsection will now read as follows:

Annual
return of
the cor-
poration.

- (1) On or before the 1st day of February in each and every year without notice or demand to that effect, every corporation incorporated under the laws of Ontario, and every other corporation having its head or other office or doing business or any part thereof, in the Province of Ontario, shall, unless a corporation registered under *The Loan and Trust Corporations Act*, or unless an insurer licensed under *The Insurance Act*, make out, verify and deliver to the Provincial Secretary as hereinafter required, a detailed return containing as of the 31st day of December next preceding, correctly stated, the following information and particulars:

Rev. Stat.,
c. 233, s. 23,
amended.

23.—(1) Subsection 5 of section 23 of *The Municipal Act* is amended by inserting after the word "village" in the second line the words "or 500 electors of a city," and by

inserting before the word "town" in the fifth and seventh lines the word "city" so that the said subsection will now read as follows:

- (5) If a petition, signed by at least 150 electors of a town or village, or 500 electors of a city, praying that it may be annexed to an adjacent urban municipality, either unconditionally or on such terms as may be stated in the petition, is presented to the council of the city, town or village, the council shall within four weeks after the presentation of the petition submit to the electors of the city, town or village for their assent thereto, a by-law providing for its annexation on the terms mentioned in the petition.
- By-law to be submitted on petition for annexation.

(2) The said section 23 is further amended by adding thereto the following subsection:

Rev. Stat., c. 233, s. 23, amended.

- (6) The provisions of this section shall *mutatis mutandis* apply to the amalgamation of two or more urban municipalities, including cities, whether adjacent or not and whether by way of annexation or otherwise, but no such amalgamation shall be approved by the Municipal Board until the same has been assented to by the electors of each such urban municipality.
- Amalgamation of urban municipalities.

24. Sections 17, 18, 26, 27 and 28 of *The Children of Unmarried Parents Act* are amended by striking out the words "the Judge" wherever they occur in the said sections and inserting in lieu thereof the words "a judge."

Rev. Stat., c. 188, ss. 17, 18, 26, 27 and 28, amended.

25.—(1) Subsection 1 of section 380 of *The Municipal Act* is amended by striking out the words "the Inspector of Prisons and Public Charities" in the fifth and sixth lines and inserting in lieu thereof the words "an inspector appointed under *The Public Institutions Inspection Act, 1931.*"

Rev. Stat., c. 233, s. 380, subs. 1, amended.

(2) Subsection 1 of section 393 of *The Municipal Act* is amended by striking out the words "the Inspector of Prisons and Public Charities" in the second line and inserting in lieu thereof the words "an inspector appointed under *The Public Institutions Inspection Act, 1931.*"

Rev. Stat., c. 233, s. 393, subs. 1, amended.

26. Clause *b* of section 1 of *The Reformatory Act* is repealed and the following substituted therefor:

Rev. Stat., c. 345, s. 1, cl. b, repealed.

- (b) "Inspector" shall mean an inspector appointed under *The Public Institutions Inspection Act, 1931.*
- "Inspector."

Rev. Stat.,
c. 346, s. 1,
cls. *a* and *d*,
repealed.

27.—(1) Clauses *a* and *d* of section 1 of *The Andrew Mercer Reformatory Act* are repealed and the following substituted therefor:

"Inspector." (a) "Inspector" shall mean an inspector appointed under *The Public Institutions Inspection Act, 1931.*"

"Inspector." (d) "Regulations" shall mean regulations made under *The Public Institutions Inspection Act, 1931.*

Rev. Stat.,
c. 346, s. 19,
repealed.

(2) Section 19 of *The Andrew Mercer Reformatory Act* is repealed.

Rev. Stat.,
c. 350, ss. 3,
4, 12 and 13,
amended.

28.—(1) Wherever in sections 3, 4, 12 and 13 of *The Industrial Farms Act* the words "one of the inspectors of prisons and public charities" occur the words "an inspector appointed under *The Public Institutions Inspection Act, 1931,*" are substituted therefor.

Rev. Stat.,
c. 350, s. 15,
amended.

(2) Section 15 of *The Industrial Farms Act* is amended by striking out the words "one of the inspectors of prisons and public charities" at the commencement of the said section and inserting in lieu thereof the words "an inspector appointed under *The Public Institutions Inspection Act, 1931.*"

Rev. Stat.,
c. 351, s. 1,
cl. *a*,
repealed.

29. Clause *a* of section 1 of *The Gaols Act* is repealed and the following substituted therefor:

"Inspector." (a) "Inspector" shall mean an inspector appointed under *The Public Institutions Inspection Act, 1931.*

Rev. Stat.,
c. 353, s. 1,
cls. *c* and *g*,
repealed.

30.—(1) Clauses *c* and *g* of section 1 of *The Hospitals for the Insane Act* are repealed and the following substituted therefor:

"Inspector." (c) "Inspector" shall mean an inspector appointed under *The Public Institutions Inspection Act, 1931.*

"Regulations." (g) "Regulations" shall mean regulations made under *The Public Institutions Inspection Act, 1931.*

Rev. Stat.,
c. 353, s. 61,
subs. 1,
amended.

(2) Subsection 1 of section 61 of *The Hospitals for the Insane Act* is amended by striking out the words "of Prisons and Public Charities" in the eleventh and twelfth lines.

Rev. Stat.,
c. 353, s. 62,
subs. 1,
amended.

(3) Subsection 1 of section 62 of *The Hospitals for the Insane Act* is amended by striking out the words "of Prisons and Public Charities" in the second line and in the sixth line.

Rev. Stat.,
c. 355, s. 1,
cl. *c*,
repealed.

31.—(1) Clause *c* of section 1 of *The Private Sanitarium Act* is repealed and the following substituted therefor:

- (c) "Inspector" shall mean an inspector appointed "Inspector." under *The Public Institutions Inspection Act, 1931*.

(2) Section 70 of *The Private Sanitarium Act* is repealed. Rev. Stat., c. 355, s. 70, repealed.

32. Section 3 of *The Ontario Hospital, Woodstock, Act* is amended by striking out the words "*The Prisons and Public Charities Inspection Act*" in the first and second lines and inserting in lieu thereof the words "*The Public Institutions Inspection Act, 1931*." Rev. Stat., c. 356, s. 3, amended.

33.—(1) Subsection 1 of section 1 of *The Adoption Act* is amended by striking out the words "Attorney General" in the fourth and fifth lines and inserting in lieu thereof the words "Minister of Public Welfare." Rev. Stat., c. 189, s. 1, subs. 1, amended.

(2) Subsection 1 of section 2 of *The Adoption Act* as amended by subsection 1 of section 2 of *The Adoption Act, 1928*, is repealed and the following substituted therefor: Rev. Stat., c. 189, s. 2, subs. 1, repealed.

- (1) Except with the consent of the Minister of Public Welfare an adoption order shall not be made in any case where,— When consent of Minister to be obtained.

(a) the applicant is under the age of twenty-five years; or

(b) the applicant is less than twenty-one years older than the infant in respect of whom the application is made.

(3) Subsection 3 of the said section 2 as amended by clause *b* of subsection 2 of section 2 of *The Adoption Act, 1928*, and section 11 of *The Statute Law Amendment Act, 1929*, is amended by inserting after the word "custody" in the fourth line the words "or lawful control" so that the first part of the subsection will now read as follows: Rev. Stat., c. 189, s. 2, subs. 3, amended.

- (3) An adoption order shall not be made except with the consent of every person or body who is a parent or guardian of the infant in respect of whom the application is made or who has the actual custody or lawful control of the infant or who is liable to contribute to the support of the infant: Consent required to adoption or r.

34. The clause lettered *a* in section 1 of *The Gasoline Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 55, s. 1, cl. a, repealed.

- (a) "Gasoline" shall mean the liquid derived from petroleum or natural gas commonly known or sold as gasoline, benzol and all other liquids by whatever

name known or sold, containing any derivative of petroleum or natural gas and produced, prepared or compounded for the purpose of generating power by means of internal combustion or which may be used for such purpose, except the product commonly known as kerosene oil.

Ss. 274 and 275 of Rev. Stat. 222 not effective until proclaimed.

35. Notwithstanding anything contained in *The Insurance Act*, sections 274 and 275 of the said Act shall not be deemed to be in force until a day to be named by the Lieutenant-Governor by his Proclamation.

Rev. Stat., c. 181, s. 36, subs. 1, repealed.

36. Subsection 1 of section 36 of *The Marriage Act* is repealed and the following substituted therefor:

Penalty for making false statement.

- (1) Any person who knowingly makes any false statement of fact in any affidavit made under the provisions of this Act or in or touching the particulars mentioned in form 4, in addition to any other penalty or punishment which he may be liable to incur, shall, on summary conviction, be liable to a penalty of not less than \$20 and not more than \$200.

Rev. Stat., c. 150, ss. 56, 57, 58, repealed.

37. Sections 56, 57 and 58 of *The Trustee Act* are repealed and the following substituted therefor:

Creditor holding security to value same.

- 56.—(1) On the administration of the estate of a deceased person, in case of a deficiency of assets, every creditor holding security on the estate of the deceased debtor or on the estate of a third person for whom the estate of the deceased debtor is only indirectly or secondarily liable, shall place a value on such security and the creditor shall rank upon the distribution of assets only upon the unsecured portion of his claim after deducting the value of the security, unless the personal representative shall elect to take over the security as hereinafter provided.

Where personal representative requires creditor to prove claim.

- (2) Where the personal representative of a deceased person is of the opinion that there may be a deficiency of assets, he may require any creditor to prove his claim and to state whether he holds any security for his claim or any part thereof, and to give full particulars of the same and if such security is on the estate of the deceased debtor or on the estate of a third person for whom the estate of the deceased debtor is only indirectly or secondarily liable, to place a specified value on such security and the personal representative may either consent to the creditor ranking for the amount of his claim after deducting such valuation or may require from the

creditor an assignment of the security at an advance of ten per centum upon the specified value to be paid out of the estate as soon as the personal representative has realized upon such security or is in a position to make payment out of the assets of the estate and in either case the difference between the value at which the security is retained or taken, as the case may be, and the amount of the claim of the creditor, shall be the amount for which he shall rank upon the estate of the deceased debtor.

- (3) Where inspectors have been appointed as hereinafter provided or where the estate is being administered under the direction or by a court, the personal representative in making his election shall act under the direction of the inspectors or of the court, as the case may be, and the remuneration of the inspectors shall be determined by the surrogate court judge on the passing of accounts.

Inspectors directing of; remuneration of.

- (4) If the claim of the creditor is based upon a negotiable instrument upon which the estate of the deceased debtor is only indirectly or secondarily liable and which is not mature or exigible, the creditor shall be considered to hold security within the meaning of this section and shall put a value on the liability of the person primarily liable thereon as his security for the payment thereof, but after the maturity of such liability and its non-payment he shall be entitled to amend and revalue his claim.

Where claim based on negotiable instruments.

- 57.—(1) Where a creditor fails to value any security held by him which under the provisions of this Act he is called upon to value, the personal representative may apply to the judge of the surrogate court from which probate or letters of administration were issued in a summary way for an order that unless a specified value shall be placed on such security and notified in writing to the personal representative, within a time to be limited by the order, such claimant shall, in respect of the claim or the part thereof for which security is held, be wholly barred of any right to share in the profits of the estate unless the judge upon the application of the creditor extends the time for the valuation of the security.

When creditor holding security fails to value same.

- (2) Where an estate is being administered by or under the direction of a court, such court shall exercise the jurisdiction conferred by this section upon the judge of the surrogate court.

Administration under direction of a court.

Calling
meeting of
creditors
where there
is a
deficiency
of assets.

58.—(1) Where in the administration of the estate of a deceased person the personal representative fears that there may be a deficiency of assets or that all the creditors will not be paid in full, the personal representative may call a meeting of creditors and lay before them the situation of the estate and at such meeting inspectors may be appointed by the creditors to assist the executor in the administration of the estate and to advise him with respect thereto.

Creditors
request for
meeting.

(2) In any such case the personal representative shall call a meeting of creditors at the request in writing of creditors holding ten per centum of the amount of claims filed against the estate for the purpose aforesaid.

Appoint-
ment of
creditor
as an
inspector.

(3) In cases where no meeting of creditors has been held the personal representative may appoint a creditor or creditors as inspector or inspectors to assist him in the realizing and management of the estate but in such case the appointment shall be approved by the surrogate judge before the inspectors accept office.

Rev. Stat.,
c. 47, s. 3,
amended.

38. Section 3 of *The Natural Gas Conservation Act* is amended by adding thereto the following subsection:

License to be
procured
from
Minister for
supply works
for or supply
natural or
artificial gas.

(2) No person shall hereafter, without the approval of the Lieutenant-Governor in Council given upon the recommendation of the Minister, construct any works to supply, or supply

(a) natural gas in any municipality in which such person is not at the date of the passing of this Act supplying artificial or natural gas, or

(b) artificial gas or natural gas in any municipality in which such person is not at the date of the passing of this Act supplying gas and in which natural gas or artificial gas is being supplied.

Rev. Stat.,
c. 47, s. 4,
amended.

39. Section 4 of *The Natural Gas Conservation Act* is amended by adding thereto the following clause:

Prohibition
of competi-
tive
methods,
etc.

(aa) The prevention and prohibition of any competitive methods, conduct or policy, by any person, which in the opinion of the Minister may be unreasonable or improvident or inconsistent with the due conservation of the supply of natural gas in Ontario.

Rev. Stat.,
c. 47, s. 7,
subs. 1,
amended.

40.—(1) Subsection 1 of section 7 of *The Natural Gas Conservation Act* is amended by adding thereto the following clause:

- (c) The disallowance of any rate charged for natural gas which he considers to be unjust or unreasonable or not conducive to the due conservation of the supply of natural gas in Ontario. Disallow-
ance of rates.
- (2) Subsection 2 of said section 7 is repealed and the following substituted therefor: Rev. Stat.,
c. 47, s. 7,
subs. 2,
repealed.
- (2) No new rates and no alteration in existing rates for natural gas shall be put into effect unless and until they have been approved by the Referee. Referee to
approve new
or altered
rates.
- (3) The said section 7 is further amended by adding thereto the following subsections: Rev. Stat.,
c. 47, s. 7,
amended.
- (3) In fixing or approving rates for natural gas the Referee shall make no allowance for expenditures or losses caused by or resulting from the adoption of competitive methods which in the opinion of the Referee were unreasonable or improvident or were inconsistent with the due conservation of the supply of natural gas in Ontario. Exclusion of
certain
losses in
fixing rates.
- (4) The Referee may make any order under this section on a reference for such purpose by the Minister, without it being necessary that an application therefor be made by any person, or that any person be heard. Referee may
proceed
without
application.
- 41.** *The Natural Gas Conservation Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 47,
amended.
- 10a. Nothing in sections 9 or 10 shall in any way prevent, affect or limit the Minister making any order or regulation or giving any direction under clause *aa* of section 4, or the Referee from making any order under clause *c* of subsection 1 of section 7. Certain
orders of
Minister or
Referee not
affected or
limited.
- 18a. Any order or regulation made or direction given by the Minister and any order made by the Referee under this Act may be made a judgment or order of the Supreme Court enforceable in the same manner as a judgment or order of such court to the like effect. Enforcement
of orders,
etc.
- 42.** Section 3 of *The Guelph General Hospital Act, 1930*, is amended by adding thereto the following subsection: 1930,
c. 81, s. 3,
amended.
- (2) Any property, real or personal, whether or not specifically mentioned in this Act belonging to the said hospital or which hereafter may be acquired for its purposes or which heretofore may have been or hereafter may be given by way of bequest, devise, donation or otherwise to or for the benefit of the said hospital and whether in the name of the said

hospital or of the corporate body in which the said hospital was previously vested or its directors or in the name of the corporation are and shall be vested in the corporation for the purposes of the said hospital.

Rev. Stat.,
c. 54, s. 56,
amended.

43. Section 56 of *The Highway Improvement Act* is amended by adding thereto the following words: "or for making compensation in whole or in part, to any person whose land or property has been entered upon, taken, expropriated or acquired under this Act."

Rev. Stat.,
c. 233, s. 378,
subs. 2,
amended.

44.—(1) Subsection 2 of section 378 of *The Municipal Act* is amended by striking out the words "which is the county town" in the second line and inserting in lieu thereof the words "whether such city or separated town is the county town or not."

Rev. Stat.,
c. 233, s. 384,
subs. 4, cl. a,
amended.

(2) Clause *a* of subsection 4 of section 384 of *The Municipal Act* is amended by striking out the words "within the county town" in the first line.

Rev. Stat.,
c. 171,
(1930,
c. 21, s. 12,
subs. 3),
repealed.

45. Section 12 of *The Limited Partnership Act* as enacted by section 12 of *The Statute Law Amendment Act, 1930*, is repealed, and the following substituted therefor:

Partnership
name.

12. The business of the partnership shall be conducted under a name in which the names of one or more of the general partners shall be used, and unless any limited partner whose name is used in the partnership name is clearly designated as a limited partner in a line immediately beneath the name of the partnership upon letterheads, confirmations to customers and statements of account, he shall be deemed a general partner.

Commence-
ment of Act

46. The provisions of this Act, other than section 13, shall come into force on the day upon which they receive the Royal Assent. Section 13 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

BILL

The Statute Law Amendment Act, 1931.

1st Reading

March 30th, 1931

2nd Reading

March 31st, 1931

3rd Reading

April 1st, 1931

MR. PRICE

No. 183

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

The Assessment Amendment Act, 1931.

MR. MACAULAY

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 183

1931

BILL

The Assessment Amendment Act, 1931.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Assessment Amendment Act, 1931.*

Rev. Stat.,
c. 238, s. 24,
subs. 3,
amended.

2. Subsection 3 of section 24 of *The Assessment Act* is amended by adding the words "or farmer's daughter" after the word "son" and the word and letters "or 'F.D.' " in the eighth line of the paragraph thereof relating to column 5 of the assessment roll.

Rev. Stat.,
c. 238, s. 24,
subs. 6,
repealed.

3. Subsection 6 of section 24 of *The Assessment Act* is repealed and the following substituted therefor:

Variation
of roll in
cities and
towns.

(6) In a city or town the form may be varied so as to give any additional information required owing to changes in the boundaries of the municipality or other like causes, or so as to allow the same to be adapted to mechanical bookkeeping methods in the preparation of the roll, and columns may be omitted which are inapplicable to a city or town.

Rev. Stat.,
c. 238, s. 28,
subs. 1,
amended.

4.—(1) Subsection 1 of section 28 of *The Assessment Act* is amended by adding thereto the following clause:

"Farmer's
daughter."

(f) "Daughter," "daughters," "farmer's daughter" and "farmers' daughters" shall mean daughter or daughters, step-daughter or step-daughters of the full age of twenty-one years not otherwise entitled to be entered on the voters' list.

Rev. Stat.,
c. 238, s. 28,
subs. 2,
amended.

(2) Subsection 2 of said section 28 is amended by inserting the words "and daughters" after the word "sons" in the third

line and by adding the words "or farmers' daughters, as the case may be" at the end of said subsection.

Rev. Stat.,
c. 238, s. 28,
subs. 3,
amended. (3) Subsection 3 of said section 28 is amended by inserting the words "or daughter" after the word "son" in the third line and by inserting the words "or daughter" after the word "son" in the fourth line.

Rev. Stat.,
c. 238, s. 28,
amended. (4) The said section 28 is amended by adding thereto the following subsections:

Right of
daughter to
vote where
no sons. (5a) Where a father or mother has no sons, the daughters, if any, shall for the purposes of subsections 4 or 5 be entitled to be entered on the roll as farmers' daughters in the same manner and to the same extent as the sons, if there had been sons, would have been entitled to be entered on the roll.

Right of
daughter to
vote where
sons also. (5b) Where a father or mother has sons and daughters and the farm is assessed at an amount more than sufficient to entitle the father or mother and all the sons to be entered on the roll, but is not assessed for an amount sufficient to qualify also all such daughters to vote at a municipal election, so many of the daughters in the order mentioned for sons in subsection 4 as the amount at which the farm is assessed if equally divided between the father, mother and the sons and daughters would be sufficient to qualify shall be entitled to be entered on the roll as farmers' daughters.

Rev. Stat.,
c. 238, s. 28,
subs. 6,
amended. (5) Subsection 6 of said section 28 is amended by inserting the words "or farmer's daughter" after the word "sons" in the third line.

Rev. Stat.,
c. 238, s. 48,
amended. 5. Section 48 of *The Assessment Act* is amended by inserting after the word "bridge" in the first line the words "or tunnel."

Rev. Stat.,
c. 238, s. 49,
amended. 6. Section 49 of *The Assessment Act* is amended by inserting after the word "bridge" in the first line the words "or tunnel."

Rev. Stat.,
c. 238,
amended. 7. *The Assessment Act* is amended by adding thereto the following section:

County
not to
include
income
assessment
in equaliza-
tion. 96a.—(1) Notwithstanding anything in this Act or any other special or general Act contained, income assessments of a local municipality forming part of a county shall not be included in any statement given to the county clerk, nor shall they be included in, but shall be excluded from, any valuation and equalization by

a county council of rateable property in the county for any county purpose, and the ascertainment, imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the equalized assessment of real property and business assessments only in the county.

Local municipality to levy county rates on all rateable property including income assessments.

- (2) When under this Act or any other special or general Act any rate is directed or required to be levied in a local municipality forming part of a county for county purposes, the same shall in the local municipality be calculated and levied upon and against the whole rateable property including assessments of income within such local municipality according to the last revised assessment roll thereof.

Rev. Stat., c. 238, s. 98, amended.

8. Section 98 of *The Assessment Act* is amended by adding thereto the following subsection:

Avoidance of double income taxation on removal.

- (4) If, notwithstanding his removal from the municipality any person is under the provisions of subsection 3 liable for rates levied in any year upon an assessment in respect of income, such person shall not in the municipality to which he has removed be liable for rates levied by such latter municipality in the same year upon an assessment in respect of income.

Rev. Stat., c. 238, s. 102, amended.

9. Section 102 of *The Assessment Act* is amended by adding thereto the following subsection:

Variation of tax roll in cities and towns.

- (2a) In a city or town the form of the collector's roll may be varied so as to allow the same to be adapted to mechanical methods of accounting and book-keeping.

Rev. Stat., c. 238, s. 107, subs. 2, amended.

10. Subsection 2 of section 107 of *The Assessment Act* is amended by adding the words "clerk or treasurer" at the end of the first line thereof so that the subsection will now read as follows:

How may be given in cities, towns, townships and villages

- (2) In cities, towns, townships and villages, the collector, clerk or treasurer may, if so authorized by by-law of the municipality (which by-law the council of the municipality is hereby empowered to pass), mail the notice or cause the same to be mailed to the address of the residence or place of business of such person.

Rev. Stat., c. 238, s. 111, subs. 7, repealed.

11. Subsection 7 of section 111 of *The Assessment Act* is repealed and the following substituted therefor:

Provision
for
payment of
taxes into
bank.

- (7) The council of any municipality may by by-law direct that moneys payable to the municipality for taxes or rates and upon such other accounts as may be mentioned in the by-law shall be by the collector of taxes or by the person charged with the payment thereof paid into such chartered bank of Canada, as the council shall by such by-law direct to the credit of the treasurer of the municipality, and in such case the person making the payment shall obtain a receipt from the bank therefor, and the treasurer or collector of taxes shall make the proper entries therefor in the books of the municipality.

Rev. Stat.,
c. 238, s. 111,
amended.

- 12.** Section 111 of *The Assessment Act* is further amended by adding thereto the following subsection:

By-law to
authorize
part
payment of
taxes due.

- (8) The council of any municipality may by by-law authorize the treasurer and the collector of taxes to accept part payment from time to time on account of any taxes due and to give a receipt for such part payment, provided that acceptance of any such part payment shall not affect the collection of any percentage charge imposed and collectible under subsection 2 in respect to non-payment of any taxes or any class of taxes or of any instalment thereof.

Rev. Stat.,
c. 238,
Form 10,
amended.

- 13.** Form 10 of *The Assessment Act* is amended by striking out the figures "119" in the sixth line of the last paragraph and inserting in lieu thereof the figures "125."

Commence-
ment of Act.

- 14.** This Act other than sections 2 and 4 shall come into force on the day upon which it receives the Royal Assent. Sections 2 and 4 shall come into force on the 1st day of January, 1932.

BILL

The Assessment Amendment Act, 1931.

1st Reading

March 30th, 1931

2nd Reading

3rd Reading

MR. MACAULAY

No. 183

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

The Assessment Amendment Act, 1931.

MR. MACAULAY

TORONTO
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No. 183

1931

BILL

The Assessment Amendment Act, 1931.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Assessment Amendment Act, 1931*.

Rev. Stat.,
c. 238, s. 24,
subs. 3,
amended.

2. Subsection 3 of section 24 of *The Assessment Act* is amended by adding the words "or farmer's daughter" after the word "son" and the word and letters "or 'F.D.' " in the eighth line of the paragraph thereof relating to column 5 of the assessment roll.

Rev. Stat.,
c. 238, s. 24,
subs. 6,
repealed.

3. Subsection 6 of section 24 of *The Assessment Act* is repealed and the following substituted therefor:

Variation
of roll in
cities and
towns.

(6) In a city or town the form may be varied so as to give any additional information required owing to changes in the boundaries of the municipality or other like causes, or so as to allow the same to be adapted to mechanical bookkeeping methods in the preparation of the roll, and columns may be omitted which are inapplicable to a city or town.

Rev. Stat.,
c. 238, s. 28,
subs. 1,
amended.

4.—(1) Subsection 1 of section 28 of *The Assessment Act* is amended by adding thereto the following clause:

"Farmer's
daughter."

(f) "Daughter," "daughters," "farmer's daughter" and "farmers' daughters" shall mean daughter or daughters, step-daughter or step-daughters of the full age of twenty-one years not otherwise entitled to be entered on the voters' list.

Rev. Stat.,
c. 238, s. 28,
subs. 2,
amended.

(2) Subsection 2 of said section 28 is amended by inserting the words "and daughters" after the word "sons" in the third

line and by adding the words "or farmers' daughters, as the case may be" at the end of said subsection.

(3) Subsection 3 of said section 28 is amended by inserting the words "or daughter" after the word "son" in the third line and by inserting the words "or daughter" after the word "son" in the fourth line. Rev. Stat.
c. 238, s. 28,
subs. 3,
amended.

(4) The said section 28 is amended by adding thereto the following subsections: Rev. Stat.,
c. 238, s. 28,
amended.

(5a) Where a father or mother has no sons, the daughters, if any, shall for the purposes of subsections 4 or 5 be entitled to be entered on the roll as farmers' daughters in the same manner and to the same extent as the sons, if there had been sons, would have been entitled to be entered on the roll. Right of
daughter to
vote where
no sons.

(5b) Where a father or mother has sons and daughters and the farm is assessed at an amount more than sufficient to entitle the father or mother and all the sons to be entered on the roll, but is not assessed for an amount sufficient to qualify also all such daughters to vote at a municipal election, so many of the daughters in the order mentioned for sons in subsection 4 as the amount at which the farm is assessed if equally divided between the father, mother and the sons and daughters would be sufficient to qualify shall be entitled to be entered on the roll as farmers' daughters. Right of
daughter to
vote where
sons also.

(5) Subsection 6 of said section 28 is amended by inserting the words "or farmer's daughter" after the word "sons" in the third line. Rev. Stat.,
c. 238, s. 28,
subs. 6,
amended.

5. Section 48 of *The Assessment Act* is amended by inserting after the word "bridge" in the first line the words "or tunnel." Rev. Stat.,
c. 238, s. 48,
amended.

6. Section 49 of *The Assessment Act* is amended by inserting after the word "bridge" in the first line the words "or tunnel." Rev. Stat.,
c. 238, s. 49,
amended.

7. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat.,
c. 238,
amended.

96a.—(1) Notwithstanding anything in this Act or any other special or general Act contained, income assessments of a local municipality forming part of a county shall not be included in any statement given to the county clerk, nor shall they be included in, but shall be excluded from, any valuation and equalization by County
not to
include
income
assessment
in equaliza-
tion.

a county council of rateable property in the county for any county purpose, and the ascertainment, imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the equalized assessment of real property and business assessments only in the county.

Local municipality to levy county rates on all rateable property including income assessments.

- (2) When under this Act or any other special or general Act any rate is directed or required to be levied in a local municipality forming part of a county for county purposes, the same shall in the local municipality be calculated and levied upon and against the whole rateable property including assessments of income within such local municipality according to the last revised assessment roll thereof.

Rev. Stat., c. 238, s. 98, amended.

8. Section 98 of *The Assessment Act* is amended by adding thereto the following subsection:

Avoidance of double income taxation on removal.

- (4) If, notwithstanding his removal from the municipality any person is under the provisions of subsection 3 liable for rates levied in any year upon an assessment in respect of income, such person shall not in the municipality to which he has removed be liable for rates levied by such latter municipality in the same year upon an assessment in respect of income.

Rev. Stat., c. 238, s. 102, amended.

9. Section 102 of *The Assessment Act* is amended by adding thereto the following subsection:

Variation of tax roll in cities and towns.

- (2a) In a city or town the form of the collector's roll may be varied so as to allow the same to be adapted to mechanical methods of accounting and book-keeping.

Rev. Stat., c. 238, s. 107, subs. 2, amended.

10. Subsection 2 of section 107 of *The Assessment Act* is amended by adding the words "clerk or treasurer" at the end of the first line thereof so that the subsection will now read as follows:

How may be given in cities, towns, townships and villages

- (2) In cities, towns, townships and villages, the collector, clerk or treasurer may, if so authorized by by-law of the municipality (which by-law the council of the municipality is hereby empowered to pass), mail the notice or cause the same to be mailed to the address of the residence or place of business of such person.

Rev. Stat., c. 238, s. 111, subs. 7, repealed.

11. Subsection 7 of section 111 of *The Assessment Act* is repealed and the following substituted therefor:

- (7) The council of any municipality may by by-law direct that moneys payable to the municipality for taxes or rates and upon such other accounts as may be mentioned in the by-law shall be by the collector of taxes or by the person charged with the payment thereof paid into such chartered bank of Canada, as the council shall by such by-law direct to the credit of the treasurer of the municipality, and in such case the person making the payment shall obtain a receipt from the bank therefor, and the treasurer or collector of taxes shall make the proper entries therefor in the books of the municipality.

Provision
for
payment of
taxes into
bank.

12. Section 111 of *The Assessment Act* is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 238, s. 111,
amended.

- (8) The council of any municipality may by by-law authorize the treasurer and the collector of taxes to accept part payment from time to time on account of any taxes due and to give a receipt for such part payment, provided that acceptance of any such part payment shall not affect the collection of any percentage charge imposed and collectible under subsection 2 in respect to non-payment of any taxes or any class of taxes or of any instalment thereof.

By-law to
authorize
part
payment of
taxes due.

13. Form 10 of *The Assessment Act* is amended by striking out the figures "119" in the sixth line of the last paragraph and inserting in lieu thereof the figures "125."

Rev. Stat.,
c. 238,
Form 10,
amended.

14. This Act other than sections 2 and 4 shall come into force on the day upon which it receives the Royal Assent. Sections 2 and 4 shall come into force on the 1st day of January, 1932.

Commence-
ment of Act.

BILL

The Assessment Amendment Act, 1931.

1st Reading

March 30th, 1931

2nd Reading

April 1st, 1931

3rd Reading

April 1st, 1931

MR. MACAULAY

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

The Municipal Amendment Act, 1931.

MR. MACAULAY

No. 184

1931

BILL

The Municipal Amendment Act, 1931.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Municipal Amendment Act, 1931*.

**Rev. Stat.,
c. 233, s. 46,
subs. 7,
repealed.** **2.** Subsection 7 of section 46 of *The Municipal Act* is repealed and the following substituted therefor:

**Council of
city of
Toronto.**

(7) Notwithstanding anything in any special Act the council of the city of Toronto shall consist of the mayor and four controllers to be elected by general vote, and three aldermen for each ward, except that if that part of the said city lying north of the right-of-way of the Toronto Belt Line Railway Company is made a separate ward there shall be two aldermen only for that ward.

**Rev. Stat.,
c. 233, s. 53,
subs. 1, cl. r,
repealed.** **3.** Clause *r* of subsection 1 of section 53 of *The Municipal Act* is repealed and the following substituted therefor:

**Unpaid
taxes and
exception.**

(*r*) A person whose taxes at the time of the election are overdue and unpaid, but this clause shall not apply to a person who is a *bona fide* tenant and qualifies as a householder if such overdue and unpaid taxes as between him and his landlord are taxes the latter ought to pay.

**Rev. Stat.,
c. 233, s. 53,
subs. 2,
amended.** **4.** Subsection 2 of section 53 of *The Municipal Act* is amended by adding thereto the following clause:

(*h*) Of his being assessed as the owner of lands against which taxes are overdue and unpaid, if at the time of the election he is not the owner of such lands and if such taxes became due after he ceased to own the said lands.

Rev. Stat.,
c. 233, s. 56,
subs. 1,
cl. d.
amended. **5.**—(1) Clause *d* of subsection 1 of section 56 of *The Municipal Act* is amended by inserting the words “or farmer’s daughter” after the word “son” in the seventh line.

Rev. Stat.,
c. 233, s. 56,
subs. 6,
amended. (2) Subsection 6 of said section 56 is amended by inserting the words “or farmer’s daughter” after the word “son” in the third line, by inserting the words “or she” after the word “he” in the fourth line, by inserting the words “or a farmer’s daughter” after the word “son” in the fifth line, and by inserting the words “or her” after the word “his” in the sixth line.

Rev. Stat.,
c. 233, s. 56,
subs. 7,
amended. (3) Subsection 7 of said section 56 is further amended by inserting the words “or farmer’s daughter” after the word “son” in the third line.

Rev. Stat.,
c. 233, s. 57,
repealed. **6.** Section 57 of *The Municipal Act* is repealed and the following substituted therefor:

57. Subject to sections 60, 61 and 62, every person whose name is entered on the proper voters’ list shall be entitled to vote at a municipal election, except that in the case of the wife or husband of a tenant she or he shall not be entitled to vote unless the tenant is a resident of the municipality at the date of and has resided therein for one month next before the election and in the case of a farmer’s son or farmer’s daughter, he or she is a resident of the municipality at the date of the election.

Rev. Stat.,
c. 233, s. 58,
repealed. **7.** Section 58 of *The Municipal Act* is repealed and the following substituted therefor:

Qualifica-
tions not
to be
questioned
at election
except as to
non-
residence. 58. Except as to the disqualification arising from not residing in the municipality at the time of the election in the case of a farmer’s son or farmer’s daughter voter, or from the non-payment of taxes in the case of a voter whose name appears on the defaulters list, no question as to the qualifications of any person whose name is entered on the proper list of voters shall be raised at an election.

Rev. Stat.,
c. 233, s. 94,
amended. **8.** Section 94 of *The Municipal Act* is amended by adding thereto the following subsection:

Form of
ballot
papers
in certain
cities. (2) In cities having a population of not less than 200,000 the ballot papers shall be according to Form 3a, and shall contain the names of the candidates arranged as set forth in subsection 1.

Rev Stat,
c. 233, s. 108,
subs. 1,
amended.

9. Subsection 1 of section 108 of *The Municipal Act* is amended by inserting after the words "poll clerk" in the second line the words "special constable."

Rev. Stat.,
c. 233, s. 126,
subs. 1,
repealed.

10. Subsection 1 of section 126 of *The Municipal Act* is repealed and the following substituted therefor:

Procedure on
counting
ballot papers
and votes
and placing
ballot papers
into packets.

(1) All the ballot papers except those rejected shall be counted, and an account shall be kept of the number of votes given and allowed for each candidate, and all the ballot papers shall be put into separate packets as follows,—

(a) all the used ballot papers which have not been objected to and have been counted;

(b) all the used ballot papers which have been objected to, but which have been counted;

(c) all the rejected ballot papers;

(d) all the cancelled ballot papers;

(e) all the ballot papers used but unmarked;

(f) all the declined ballot papers;

(g) all the unused ballot papers.

Rev. Stat.,
c. 233, s. 127,
subs. 1,
amended.

11. Subsection 1 of section 127 of *The Municipal Act* is amended by adding thereto the following clause:

(ff) The ballot papers used but unmarked;

Rev. Stat.,
c. 233, s. 137,
repealed.

12. Section 137 of *The Municipal Act* is repealed and the following substituted therefor:

Application
for recount
or re-
addition.

137.—(1) If, within fourteen days after the declaration by the clerk of the result of the election, upon the application of a candidate or voter it is made to appear by affidavit to a judge of the county or district court of the county or district in which the municipality is situate, that a deputy returning officer, in counting the votes has improperly counted or rejected any ballot paper, or made an incorrect statement of the number of ballots cast for any candidate, or has improperly added up the votes and if within that time the applicant shall have given security for the costs in connection with the recount or final addition of the candidate declared elected

of such nature and in such amount as may be fixed by the judge; or if at any time within four weeks after such declaration in a city having a population of not less than 100,000, the council has by resolution declared that a recount or readdition is desirable in the public interest, the judge shall appoint a time and place to recount or readd the votes cast at the election.

Deputy judges in wards of cities of 100,000 population or over.

- (2) In all cases of a recount or readdition of the ballots cast for candidates elected by general vote in a city having a population of not less than 100,000, the judge may order that the recount or readdition shall be conducted separately in each ward of such city and for that purpose may appoint for any ward as his deputy, another judge or a barrister of at least ten years' standing at the bar of Ontario to recount or readd the votes cast at the election in such ward and a time and place for such recount or readdition to be held, and every such deputy shall for all the purposes of the recount or readdition and in respect to the ward for which he is appointed, have the powers and perform the duties of the judge as hereinafter in this section set out.

Notice of time and place for recount or readdition.

- (3) At least two days' notice in writing of the time and place appointed shall be given to the candidates and to the clerk, and the clerk or an assistant clerk appointed for the purpose shall attend the recount or readdition with the ballot boxes and all documents relating to the election.

Who may attend.

- (4) The judge, the clerk, the assistant clerk, and each candidate and his agent appointed to attend the recount or readdition, but no other person except with the sanction of the judge, shall be entitled to be present at the recount.

Which ballots to be readded or recounted.

- (5) The recount shall be of the ballots cast respectively for the candidate declared elected when one only is to be elected and in other cases of the candidate who received the lowest number of votes of those declared elected by the clerk and for the defeated candidate who received the highest number of votes for the same office unless any other candidate in writing requires the ballots cast for him to be recounted or readded.

Making readdition or recount.

- (6) At the time and place appointed, and in the presence of such of the persons entitled to be present as may

attend, the judge shall make such final addition from the statements contained in the ballot boxes returned by the deputy returning officers, or recount all the ballot papers received by the clerk from the several deputy returning officers and the number of votes counted at the election and shall for the purpose of the recount open the sealed packets containing the used ballot papers which were not objected to and were counted, the ballot papers which were objected to but which were counted, the rejected ballot papers, the cancelled ballot papers, the ballot papers which were used but were unmarked, the declined ballot papers and the unused ballot papers.

Proceedings
to be con-
tinuous.

- (7) The judge shall, as far as practicable, proceed continuously, allowing only time for refreshment and excluding, except so far as he and the persons present agree, the hours between six o'clock in the afternoon and nine o'clock in the succeeding forenoon, and during the excluded time the judge shall place the ballot papers and other documents relating to the election close under his own seal and the seal of such of the persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of them.

Procedure
as at close
of poll.

- (8) Subject to subsection 9, the judge shall proceed according to the provisions for the counting of the ballot papers and the vote at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll.

Evidence
may be
taken.

- (9) If for any reason it appears desirable to do so, the judge upon the application of any party to the proceeding may hear such evidence as he may deem necessary for the purpose of making a full and proper recount of the ballot papers.

Judge's
certificate
of result.

- (10) Upon the completion of the recount the judge shall seal up all the ballot papers in their separate packets and upon the completion of a readdition he shall seal up the original statements in their respective packets, and shall forthwith certify the result of the recount or readdition to the clerk.

Clerk's
declaration
of result.

- (11) Upon the result of the recount or readdition being certified to him the clerk shall declare elected the candidate so certified as having the highest number of votes, and such declaration shall be deemed for

all purposes to have been substituted for the prior declaration made under section 134 if it is different from such prior declaration.

Other remedies not affected.

- (12) Nothing in this section shall affect any remedy which any person may have under the provisions hereinafter contained by proceedings in the nature of *quo warranto* or otherwise.

Rev. Stat., c. 233, s. 138, subs. 2, repealed.

- 13.** Subsection 2 of section 138 of *The Municipal Act* is repealed and the following substituted therefor:

Amount or scale of costs.

- (2) The judge may in his discretion award costs of the recount or readdition to or against any candidate and may fix the amount of same or order that they be taxed by the clerk of the district or county court on a scale following as nearly as may be the tariff of costs of the county court.

Rev. Stat., c. 233, s. 274, subs. 1, amended.

- 14.** Subsection 1 of section 274 of *The Municipal Act* is amended by adding thereto the following clause:

- (bb) farmer's daughter.

Rev. Stat., c. 233, s. 297, subs. 2, cl. f, repealed.

- 15.** Clause f of subsection 2 of section 297 of *The Municipal Act* is repealed and the following substituted therefor:

- (f) By the council of any municipality with the approval of the Municipal Board for borrowing such sum or sums as may be required to pay or defray the cost or share of the cost of any work or improvement which by the terms of any order of the Board of Railway Commissioners of Canada or of the Municipal Board the municipality is or has been authorized or required to undertake or pay, or of any work or improvement which in the opinion of the Municipal Board is or has been rendered necessary or expedient owing to the construction of any work or improvement ordered by either of the said boards; but where any such work or improvement is or has been merely authorized but not required to be undertaken by the municipality no sum or sums may be borrowed hereunder unless the work was undertaken with the approval of the Municipal Board.

Rev. Stat., c. 233, s. 329, amended.

- 16.** Section 329 of *The Municipal Act* is amended by adding thereto the following subsection:

Signature to
debentures.

- (5) Any debenture heretofore issued or hereafter to be issued shall be sufficiently signed by the head of the council if it bears the signature, as hereinbefore in this section provided, of the person who was the head of the council either at the date of the debenture or at the time when it was issued.

Rev. Stat.,
c. 233, s. 335,
amended.

- 17.** Section 335 of *The Municipal Act* is amended by adding at the end thereof the following words:

“and to borrow from time to time by the issue and sale of debentures such sum as may be necessary to repay such advances.”

Rev. Stat.,
c. 233, s. 368,
amended.

- 18.** Section 368 of *The Municipal Act* is amended by adding thereto the following subsection:

Aid to
widows and
children of
members of
police force
in certain
cases.

- (3) The council may grant pecuniary aid or other assistance to the widows and children of members of the police force who are killed or die from injuries received or from illness contracted in the discharge of their duties.

Rev. Stat.,
c. 233, s. 397,
subs. 1,
amended.

- 19.** Subsection 1 of section 397 of *The Municipal Act* is amended by inserting after the word “drier” in the fifth line the words “or a cold storage plant receiving financial aid from the Department of Agriculture of the Province of Ontario.”

Rev. Stat.,
c. 233, s. 399,
par. 16,
repealed.

- 20.** Paragraph 16 of section 399 of *The Municipal Act* is repealed and the following substituted therefor:

Purchase of
fire hall site,
etc.

16. For acquiring land for and erecting thereon a fire hall and for purchasing and installing fire engines, apparatus and appliances for fire-fighting and fire protection at a cost not exceeding \$20,000, and for the issue of debentures therefor payable in equal annual instalments of principal and interest during a period not exceeding ten years.

(a) It shall not be necessary to obtain the assent of the electors to the by-law if it is passed by a vote of two-thirds of all the members of the council.

(b) No by-law shall be passed under the authority of this paragraph while any debentures issued under a by-law previously passed thereunder are outstanding and unpaid unless the approval of the Municipal Board is obtained.

Rev. Stat.,
c. 233, s. 399,
par. 43,
amended. **21.** Paragraph 43 of section 399 of *The Municipal Act* is amended by inserting after the word "from" in the first line the words "soliciting or."

Rev. Stat.,
c. 233, s. 409,
amended. **22.** Section 409 of *The Municipal Act* is amended by adding thereto the following paragraph:

Establish-
ment of
county
farms.

9. For acquiring lands in the county and erecting thereon farm and other buildings and for establishing, developing, improving, equipping, operating and maintaining such lands and buildings as a county farm for educational, experimental and other purposes in the promotion and advancement of agriculture in all its branches, and for the issue of debentures therefor, other than for the expenses of operation and maintenance.

(a) It shall not be necessary to obtain the assent of the electors to any by-law passed under this paragraph if it is passed by a vote of two-thirds of all the members of the council.

(b) A county council which has established a county farm under this paragraph may enter into agreements with the Minister of Agriculture for its development, improvement and equipment and for its operation and maintenance by or in conjunction with the Department of Agriculture for such periods and upon such terms and conditions as from time to time may be agreed.

Rev. Stat.,
c. 233, s. 411,
par. 9,
amended. **23.** Paragraph 9 of section 411 of *The Municipal Act* is amended by inserting after the words "wheeled vehicle" in the second line the words "other than a motor vehicle as defined in *The Highway Traffic Act*."

Rev. Stat.,
c. 233, s. 412,
amended. **24.** Section 412 of *The Municipal Act* is amended by adding thereto the following paragraph:

Location of
incinerator
plants, etc.

2. For prohibiting or for regulating and controlling the location or erection within any defined area or areas or on land abutting on defined highways or parts of highways of any incinerator or other building, plant or machinery to be used for the destruction or disposal of garbage, ashes or other refuse.

Rev. Stat.,
c. 233, s. 414,
par. 3,
(1929,
c. 58, s. 9),
repealed. **25.** Paragraph 3 of section 414 of *The Municipal Act* as re-enacted by section 9 of *The Municipal Amendment Act, 1929*, is repealed and the following substituted therefor:

Controlling
location of
certain
businesses,
etc.

3. For exercising the powers conferred on cities by paragraphs 2 to 13 of section 411 and by section 412.

- (a) This paragraph shall not apply to a building which was on the day the by-law is passed erected or used for any of the purposes enumerated in said sections 411 and 412.

Rev. Stat.,
c. 233, s. 429,
par. 2,
amended.

- 26.** Paragraph 2 of section 429 of *The Municipal Act* is amended by striking out the words "and other" in the fourth line and inserting in lieu thereof the words "public halls and all" so that the paragraph will now read as follows:

Amusement
places, etc.

2. For regulating and licensing, subject to the provisions of *The Theatres and Cinematographs Act*, exhibitions held for hire or gain, theatres, music halls, bowling alleys, moving-picture shows, public halls, and all places of amusement, and for prohibiting the location of them or a particular class of them on land abutting on any highway or part of a highway to be named in the by-law and for revoking any license granted.

Rev. Stat.,
c. 233, s. 430,
amended.

- 27.** Section 430 of *The Municipal Act* is amended by adding thereto the following paragraph:

Sale of
newspapers
on streets.

5. For licensing, regulating and governing persons selling newspapers and magazines upon any highway and for restricting the operations of such persons to a particular location upon a highway and for restricting the operations of such persons to the sale of newspapers and magazines only and for prohibiting the selling or offering for sale upon any highway of books, periodicals, pamphlets or other printed matter except newspapers and magazines and for revoking any license granted.

Rev. Stat.,
c. 233, s. 431,
par. 2,
amended.

- 28.** Paragraph 2 of section 431 of *The Municipal Act* is amended by striking out the words "vendors of newspapers" in the second line.

Rev. Stat.,
c. 233,
s. 431a
(1928,
c. 37, s. 16),
amended.

- 29.** Section 431a of *The Municipal Act* as enacted by section 16 of *The Municipal Amendment Act, 1928*, is amended by adding at the end of the heading thereof the following words:

"and by councils of townships bordering on a city having a population of not less than 100,000."

Rev. Stat.,
c. 233, s. 437,
repealed.

- 30.** Section 437 of *The Municipal Act* is repealed and the following substituted therefor:

Expenses of
entertaining
guests and
for
travelling
on civic
business.

437. The council of a city, town, village, county or township may pay for or towards the reception or entertainment of persons of distinction or the celebration of events or matters of national interest or importance, or for or towards travelling or other expenses incurred in respect to matters pertaining to or affecting the interests of the corporation, a sum not exceeding in any year in the case of

- (a) a city having a population of not less than 200,000—\$30,000;
- (b) a city having a population of not less than 100,000—\$20,000;
- (c) a city having a population of not less than 50,000—\$10,000;
- (d) a city or town having a population of not less than 20,000—\$2,500;
- (e) a city or town having a population of not less than 10,000—\$1,000;
- (f) a county—\$1,500;
- (g) other municipalities—\$500.

Rev. Stat.,
c. 233, s. 534,
amended.

31. Section 534 of *The Municipal Act* is amended by adding thereto the following subsection:

Length of
sidewalk
to be cleared
by owner.

- (4) Where a by-law is passed under clause (e) of subsection 1, the maximum length or distance of sidewalks adjoining land occupied and used as farm lands for which the occupant or owner thereof may be required to clear away and remove snow and ice or be charged with the expense of such clearing away and removal shall be limited to two hundred lineal feet notwithstanding that a greater length or distance of sidewalks may adjoin such land, and the clearing away and removal of snow and ice from such greater length or distance shall be undertaken by the trustees at the expense of the police village.

Rev. Stat.,
c. 233,
amended.

32. Form 3a set forth in schedule "A" hereto is added to *The Municipal Act*.

Commence-
ment of Act

33. This Act other than sections 5 and 14 and so much of the provisions of sections 6 and 7 as relate to farmers' daughters shall come into force on the day upon which it

receives the Royal Assent. Sections 5 and 14 and so much of the provisions of sections 6 and 7 as relate to farmers' daughters shall take effect as may be necessary for annual municipal elections for the year 1933, whether the same are to be held under the provisions of section 72 or under the provisions of sections 73, 74 or 75 of *The Municipal Act*, and for all purposes shall come into force on the 1st day of January, 1933.

SCHEDULE "A"

FORM 3a

BALLOT PAPER FOR CITIES

OF NOT LESS THAN 200,000 POPULATION

Form for Mayor and Controllers

CITY OF TORONTO
Municipal Elections
JAN. 1st, 193 ☐
Ward No. ☐
Polling Subdivision No. ☐
FOR MAYOR

ALLAN

Charles Allan,
 of King Street,
 in the City of Toronto,
 Merchant.

BROWN

William Brown,
 of the City of Toronto,
 Banker.

Form for Aldermen

CITY OF TORONTO
Municipal Elections Jan. 1st, 193 ☐
Ward No. ☐ **Polling Subdivision No.** ☐
FOR ALDERMAN ^(or)
Councillor

ARGO

James Argo,
 of the City of Toronto,
 Gentleman.

BAKER

Samuel Baker,
 of the City of Toronto,
 Baker.

DUNCAN

Robert Duncan,
 of the City of Toronto,
 Printer.

ROBINSON

Archibald Robinson,
 of the City of Toronto,
 Butcher.

The Municipal Amendment Act, 1931

1st Reading

March 30th, 1931

2nd Reading

3rd Reading

MR. MACAULAY

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

The Municipal Amendment Act, 1931.

MR. MACAULAY

No. 184

1931

BILL

The Municipal Amendment Act, 1931.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Municipal Amendment Act, 1931*.

Rev. Stat.,
c. 233, s. 46,
subs. 7,
repealed. **2.** Subsection 7 of section 46 of *The Municipal Act* is repealed and the following substituted therefor:

Council of
city of
Toronto.

(7) Notwithstanding anything in any special Act the council of the city of Toronto shall consist of the mayor and four controllers to be elected by general vote, and three aldermen for each ward, except that if that part of the said city lying north of the right-of-way of the Toronto Belt Line Railway Company is made a separate ward there shall be two aldermen only for that ward.

Rev. Stat.,
c. 233, s. 53,
subs. 1, cl. 1, *Act* is repealed and the following substituted therefor:

Unpaid
taxes and
exception.

(1) A person whose taxes at the time of the election are overdue and unpaid, but this clause shall not apply to a person who is a *bona fide* tenant and qualifies as a householder if such overdue and unpaid taxes as between him and his landlord are taxes the latter ought to pay.

Rev. Stat.,
c. 233, s. 53,
subs. 2,
amended. **4.** Subsection 2 of section 53 of *The Municipal Act* is amended by adding thereto the following clause:

(h) Of his being assessed as the owner of lands against which taxes are overdue and unpaid, if at the time of the election he is not the owner of such lands and if such taxes became due after he ceased to own the said lands.

5.—(1) Clause *d* of subsection 1 of section 56 of *The Municipal Act* is amended by inserting the words "or farmer's daughter" after the word "son" in the seventh line. Rev. Stat., c. 233, s. 56, subs. 1, cl. d, amended.

(2) Subsection 6 of said section 56 is amended by inserting the words "or farmer's daughter" after the word "son" in the third line, by inserting the words "or she" after the word "he" in the fourth line, by inserting the words "or a farmer's daughter" after the word "son" in the fifth line, and by inserting the words "or her" after the word "his" in the sixth line. Rev. Stat., c. 233, s. 56, subs. 6, amended.

(3) Subsection 7 of said section 56 is further amended by inserting the words "or farmer's daughter" after the word "son" in the third line. Rev. Stat., c. 233, s. 56, subs. 7, amended.

6. Section 57 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 233, s. 57, repealed.

57. Subject to sections 60, 61 and 62, every person whose name is entered on the proper voters' list shall be entitled to vote at a municipal election, except that in the case of the wife or husband of a tenant she or he shall not be entitled to vote unless the tenant is a resident of the municipality at the date of and has resided therein for one month next before the election and in the case of a farmer's son or farmer's daughter, he or she is a resident of the municipality at the date of the election.

7. Section 58 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 233, s. 58, repealed.

58. Except as to the disqualification arising from not residing in the municipality at the time of the election in the case of a farmer's son or farmer's daughter voter, or from the non-payment of taxes in the case of a voter whose name appears on the defaulters list, no question as to the qualifications of any person whose name is entered on the proper list of voters shall be raised at an election. Qualifications not to be questioned at election except as to non-residence.

8. Section 94 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 233, s. 94, amended.

(2) In cities having a population of not less than 200,000 the ballot papers shall be according to Form 3a, and shall contain the names of the candidates arranged as set forth in subsection 1. Form of ballot papers in certain cities.

Rev Stat,
c. 233, s. 108,
subs. 1,
amended.

9. Subsection 1 of section 108 of *The Municipal Act* is amended by inserting after the words "poll clerk" in the second line the words "special constable."

Rev. Stat.,
c. 233, s. 126,
subs. 1,
repealed.

10. Subsection 1 of section 126 of *The Municipal Act* is repealed and the following substituted therefor:

Procedure on
counting
ballot papers
and votes
and placing
ballot papers
into packets.

(1) All the ballot papers except those rejected shall be counted, and an account shall be kept of the number of votes given and allowed for each candidate, and all the ballot papers shall be put into separate packets as follows,—

(a) all the used ballot papers which have not been objected to and have been counted;

(b) all the used ballot papers which have been objected to, but which have been counted;

(c) all the rejected ballot papers;

(d) all the cancelled ballot papers;

(e) all the ballot papers used but unmarked;

(f) all the declined ballot papers;

(g) all the unused ballot papers.

Rev. Stat.,
c. 233, s. 127,
subs. 1,
amended.

11. Subsection 1 of section 127 of *The Municipal Act* is amended by adding thereto the following clause:

(ff) The ballot papers used but unmarked;

Rev. Stat.,
c. 233, s. 137,
repealed.

12. Section 137 of *The Municipal Act* is repealed and the following substituted therefor:

Application
for recount
or re-
addition.

137.—(1) If, within fourteen days after the declaration by the clerk of the result of the election, upon the application of a candidate or voter it is made to appear by affidavit to a judge of the county or district court of the county or district in which the municipality is situate, that a deputy returning officer, in counting the votes has improperly counted or rejected any ballot paper, or made an incorrect statement of the number of ballots cast for any candidate, or has improperly added up the votes and if within that time the applicant shall have given security for the costs in connection with the recount or final addition of the candidate declared elected

of such nature and in such amount as may be fixed by the judge; or if at any time within four weeks after such declaration in a city having a population of not less than 100,000, the council has by resolution declared that a recount or readdition is desirable in the public interest, the judge shall appoint a time and place to recount or read the votes cast at the election.

- (2) In all cases of a recount or readdition of the ballots cast for candidates elected by general vote in a city having a population of not less than 100,000, the judge may order that the recount or readdition shall be conducted separately in each ward of such city and for that purpose may appoint for any ward as his deputy, another judge or a barrister of at least ten years' standing at the bar of Ontario to recount or read the votes cast at the election in such ward and a time and place for such recount or readdition to be held, and every such deputy shall for all the purposes of the recount or readdition and in respect to the ward for which he is appointed, have the powers and perform the duties of the judge as hereinafter in this section set out.

Deputy judges in wards of cities of 100,000 population or over.
- (3) At least two days' notice in writing of the time and place appointed shall be given to the candidates and to the clerk, and the clerk or an assistant clerk appointed for the purpose shall attend the recount or readdition with the ballot boxes and all documents relating to the election.

Notice of time and place for recount or readdition.
- (4) The judge, the clerk, the assistant clerk, and each candidate and his agent appointed to attend the recount or readdition, but no other person except with the sanction of the judge, shall be entitled to be present at the recount.

Who may attend.
- (5) The recount shall be of the ballots cast respectively for the candidate declared elected when one only is to be elected and in other cases of the candidate who received the lowest number of votes of those declared elected by the clerk and for the defeated candidate who received the highest number of votes for the same office unless any other candidate in writing requires the ballots cast for him to be recounted or readed.

Which ballots to be readed or recounted.
- (6) At the time and place appointed, and in the presence of such of the persons entitled to be present as may

Making readdition or recount.

attend, the judge shall make such final addition from the statements contained in the ballot boxes returned by the deputy returning officers, or recount all the ballot papers received by the clerk from the several deputy returning officers and the number of votes counted at the election and shall for the purpose of the recount open the sealed packets containing the used ballot papers which were not objected to and were counted, the ballot papers which were objected to but which were counted, the rejected ballot papers, the cancelled ballot papers, the ballot papers which were used but were unmarked, the declined ballot papers and the unused ballot papers.

Proceedings
to be con-
tinuous.

- (7) The judge shall, as far as practicable, proceed continuously, allowing only time for refreshment and excluding, except so far as he and the persons present agree, the hours between six o'clock in the afternoon and nine o'clock in the succeeding forenoon, and during the excluded time the judge shall place the ballot papers and other documents relating to the election close under his own seal and the seal of such of the persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of them.

Procedure
as at close
of poll.

- (8) Subject to subsection 9, the judge shall proceed according to the provisions for the counting of the ballot papers and the vote at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll.

Evidence
may be
taken.

- (9) If for any reason it appears desirable to do so, the judge upon the application of any party to the proceeding may hear such evidence as he may deem necessary for the purpose of making a full and proper recount of the ballot papers.

Judge's
certificate
of result.

- (10) Upon the completion of the recount the judge shall seal up all the ballot papers in their separate packets and upon the completion of a readdition he shall seal up the original statements in their respective packets, and shall forthwith certify the result of the recount or readdition to the clerk.

Clerk's
declaration
of result.

- (11) Upon the result of the recount or readdition being certified to him the clerk shall declare elected the candidate so certified as having the highest number of votes, and such declaration shall be deemed for

all purposes to have been substituted for the prior declaration made under section 134 if it is different from such prior declaration.

- (12) Nothing in this section shall affect any remedy which any person may have under the provisions hereinafter contained by proceedings in the nature of *quo warranto* or otherwise. Other remedies not affected.

13. Subsection 2 of section 138 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 233, s. 138, subs. 2, repealed.

- (2) The judge may in his discretion award costs of the recount or readdition to or against any candidate and may fix the amount of same or order that they be taxed by the clerk of the district or county court on a scale following as nearly as may be the tariff of costs of the county court. Amount or scale of costs.

14. Subsection 1 of section 274 of *The Municipal Act* is amended by adding thereto the following clause: Rev. Stat., c. 233, s. 274, subs. 1, amended.

(bb) farmer's daughter.

15. Clause *f* of subsection 2 of section 297 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 233, s. 297, subs. 2, cl. f, repealed.

- (f) By the council of any municipality with the approval of the Municipal Board for borrowing such sum or sums as may be required to pay or defray the cost or share of the cost of any work or improvement which by the terms of any order of the Board of Railway Commissioners of Canada or of the Municipal Board the municipality is or has been authorized or required to undertake or pay, or of any work or improvement which in the opinion of the Municipal Board is or has been rendered necessary or expedient owing to the construction of any work or improvement ordered by either of the said boards; but where any such work or improvement is or has been merely authorized but not required to be undertaken by the municipality no sum or sums may be borrowed hereunder unless the work was undertaken with the approval of the Municipal Board.

16. Section 329 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 233, s. 329, amended.

Signature to
debentures.

- (5) Any debenture heretofore issued or hereafter to be issued shall be sufficiently signed by the head of the council if it bears the signature, as hereinbefore in this section provided, of the person who was the head of the council either at the date of the debenture or at the time when it was issued.

Rev. Stat.,
c. 233, s. 335,
amended.

- 17.** Section 335 of *The Municipal Act* is amended by adding at the end thereof the following words:

“and to borrow from time to time by the issue and sale of debentures such sum as may be necessary to repay such advances.”

Rev. Stat.,
c. 233, s. 368,
amended.

- 18.** Section 368 of *The Municipal Act* is amended by adding thereto the following subsection:

Aid to
widows and
children of
members of
police force
in certain
cases.

- (3) The council may grant pecuniary aid or other assistance to the widows and children of members of the police force who are killed or die from injuries received or from illness contracted in the discharge of their duties.

Rev. Stat.,
c. 233, s. 397,
subs. 1,
amended.

- 19.** Paragraph 1 of section 397 of *The Municipal Act* is amended by inserting after the word “drier” in the fifth line the words “or a cold storage plant receiving financial aid from the Department of Agriculture of the Province of Ontario.”

Rev. Stat.,
c. 233, s. 399,
par. 16,
repealed.

- 20.** Paragraph 16 of section 399 of *The Municipal Act* is repealed and the following substituted therefor:

Purchase of
fire hall site,
etc.

16. For acquiring land for and erecting thereon a fire hall and for purchasing and installing fire engines, apparatus and appliances for fire-fighting and fire protection at a cost not exceeding \$20,000, and for the issue of debentures therefor payable in equal annual instalments of principal and interest during a period not exceeding ten years.

(a) It shall not be necessary to obtain the assent of the electors to the by-law if it is passed by a vote of two-thirds of all the members of the council.

(b) No by-law shall be passed under the authority of this paragraph while any debentures issued under a by-law previously passed thereunder are outstanding and unpaid unless the approval of the Municipal Board is obtained.

21. Paragraph 43 of section 399 of *The Municipal Act* is amended by inserting after the word "from" in the first line the words "soliciting or." Rev. Stat., c. 233, s. 399, par. 43, amended.

22. Section 409 of *The Municipal Act* is amended by adding thereto the following paragraph: Rev. Stat., c. 233, s. 409, amended.

9. For acquiring lands in the county and erecting thereon farm and other buildings and for establishing, developing, improving, equipping, operating and maintaining such lands and buildings as a county farm for educational, experimental and other purposes in the promotion and advancement of agriculture in all its branches, and for the issue of debentures therefor, other than for the expenses of operation and maintenance. Establishment of county farms.

(a) It shall not be necessary to obtain the assent of the electors to any by-law passed under this paragraph if it is passed by a vote of two-thirds of all the members of the council.

(b) A county council which has established a county farm under this paragraph may enter into agreements with the Minister of Agriculture for its development, improvement and equipment and for its operation and maintenance by or in conjunction with the Department of Agriculture for such periods and upon such terms and conditions as from time to time may be agreed.

23. Paragraph 9 of section 411 of *The Municipal Act* is amended by inserting after the words "wheeled vehicle" in the second line the words "other than a motor vehicle as defined in *The Highway Traffic Act*." Rev. Stat., c. 233, s. 411, par. 9, amended.

24. Section 412 of *The Municipal Act* is amended by adding thereto the following paragraph: Rev. Stat., c. 233, s. 412, amended.

2. For prohibiting or for regulating and controlling the location or erection within any defined area or areas or on land abutting on defined highways or parts of highways of any incinerator or other building, plant or machinery to be used for the destruction or disposal of garbage, ashes or other refuse. Location of incinerator plants, etc.

25. Paragraph 3 of section 414 of *The Municipal Act* as re-enacted by section 9 of *The Municipal Amendment Act, 1929*, is repealed and the following substituted therefor: Rev. Stat., c. 233, s. 414, par. 3 (1929, c. 58, s. 9), repealed.

Controlling
location of
certain
businesses,
etc.

3. For exercising the powers conferred on cities by paragraphs 2 to 13 of section 411 and by section 412.

- (a) This paragraph shall not apply to a building which was on the day the by-law is passed erected or used for any of the purposes enumerated in said sections 411 and 412.

Rev. Stat.,
c. 233, s. 429,
par. 2,
amended.

- 26.** Paragraph 2 of section 429 of *The Municipal Act* is amended by striking out the words "and other" in the fourth line and inserting in lieu thereof the words "public halls and all" so that the paragraph will now read as follows:

Amusement
places, etc.

2. For regulating and licensing, subject to the provisions of *The Theatres and Cinematographs Act*, exhibitions held for hire or gain, theatres, music halls, bowling alleys, moving-picture shows, public halls, and all places of amusement, and for prohibiting the location of them or a particular class of them on land abutting on any highway or part of a highway to be named in the by-law and for revoking any license granted.

Rev. Stat.,
c. 233, s. 430,
amended.

- 27.** Section 430 of *The Municipal Act* is amended by adding thereto the following paragraph:

Sale of
newspapers
on streets.

3. For licensing, regulating and governing persons selling newspapers and magazines upon any highway and for restricting the operations of such persons to a particular location upon a highway and for restricting the operations of such persons to the sale of newspapers and magazines only and for prohibiting the selling or offering for sale upon any highway of books, periodicals, pamphlets or other printed matter except newspapers and magazines and for revoking any license granted.

Rev. Stat.,
c. 233, s. 431,
par. 2,
amended.

- 28.** Paragraph 2 of section 431 of *The Municipal Act* is amended by striking out the words "newspapers and" in the second line.

Rev. Stat.,
c. 233,
s. 431a
(1928,
c. 37, s. 16),
amended.

- 29.** Section 431a of *The Municipal Act* as enacted by section 16 of *The Municipal Amendment Act, 1928*, is amended by adding at the end of the heading thereof the following words:

"and by councils of townships bordering on a city having a population of not less than 100,000."

Rev. Stat.,
c. 233, s. 437,
repealed.

- 30.** Section 437 of *The Municipal Act* is repealed and the following substituted therefor:

437. The council of a city, town, village, county or township may pay for or towards the reception or entertainment of persons of distinction or the celebration of events or matters of national interest or importance, or for or towards travelling or other expenses incurred in respect to matters pertaining to or affecting the interests of the corporation, a sum not exceeding in any year in the case of

Expenses of entertaining guests and for travelling on civic business.

- (a) a city having a population of not less than 200,000—\$30,000;
- (b) a city having a population of not less than 100,000—\$20,000;
- (c) a city having a population of not less than 50,000—\$10,000;
- (d) a city or town having a population of not less than 20,000—\$2,500;
- (e) a city or town having a population of not less than 10,000—\$1,000;
- (f) a county—\$1,500;
- (g) other municipalities—\$500.

31. Section 534 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 233, s. 534, amended.

- (4) Where a by-law is passed under clause (e) of subsection 1, the maximum length or distance of sidewalks adjoining land occupied and used as farm lands for which the occupant or owner thereof may be required to clear away and remove snow and ice or be charged with the expense of such clearing away and removal shall be limited to two hundred lineal feet notwithstanding that a greater length or distance of sidewalks may adjoin such land, and the clearing away and removal of snow and ice from such greater length or distance shall be undertaken by the trustees at the expense of the police village. Length of sidewalk to be cleared by owner.

32. Form 3a set forth in schedule "A" hereto is added to *The Municipal Act*. Rev. Stat., c. 233, amended.

33. This Act, other than sections 5 and 14 and so much of the provisions of sections 6 and 7 as relate to farmers' daughters, shall come into force on the day upon which it Commencement of Act

receives the Royal Assent. Sections 5 and 14 and so much of the provisions of sections 6 and 7 as relate to farmers' daughters shall take effect as may be necessary for annual municipal elections for the year 1933, whether the same are to be held under the provisions of section 72 or under the provisions of sections 73, 74 or 75 of *The Municipal Act*, and for all purposes shall come into force on the 1st day of January, 1933.

SCHEDULE "A"

FORM 3a

BALLOT PAPER FOR CITIES

OF NOT LESS THAN 200,000 POPULATION

Form for Mayor and Controllers

City of TORONTO
 Municipal Elections
 JAN. 1st, 1933
 Ward No. ☐
 Polling Subdivision No. ☐
 FOR MAYOR

ALLAN

Charles Allan,
 of King Street,
 in the City of Toronto,
 Merchant.

BROWN

William Brown,
 of the City of Toronto,
 Banker.

Form for Aldermen

CITY OF TORONTO
 Municipal Elections Jan. 1st, 1933
 Ward No. ☐ Polling Subdivision No. ☐
 FOR ALDERMAN^(or)
 Councillor

ARGO

James Argo,
 of the City of Toronto,
 Gentleman.

BAKER

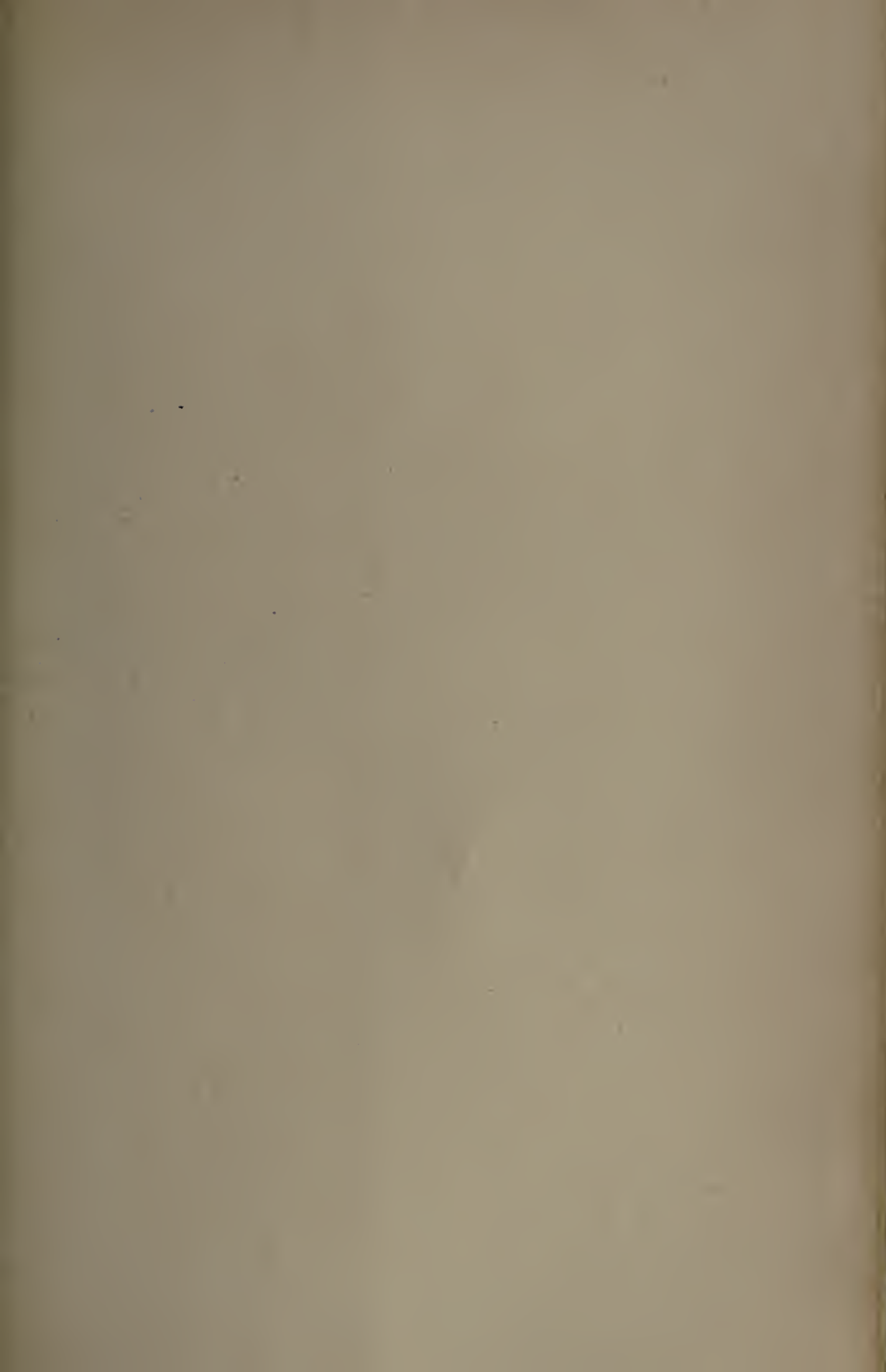
Samuel Baker,
 of the City of Toronto,
 Baker.

DUNCAN

Robert Duncan,
 of the City of Toronto,
 Printer.

ROBINSON

Archibald Robinson,
 of the City of Toronto,
 Butcher.



BILL

The Municipal Amendment Act, 1931

1st Reading

March 30th, 1931

2nd Reading

April 1st, 1931

3rd Reading

April 1st, 1931

MR. MACAULAY

No. 185

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Game and Fisheries Act.

MR. MCCREA

No. 185

1931

BILL

An Act to amend The Game and Fisheries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Game and Fisheries Act, 1931*.

Rev. Stat.,
c. 318, s. 2,
c. 66 (1930,
s. 3),
repealed.

2.—(1) The clause lettered *bb* in section 2 of *The Game and Fisheries Act*, as enacted by section 3 of *The Game and Fisheries Act, 1930*, is repealed and the following substituted therefor:

"Farmer."

(*bb*) "Farmer" shall mean any person actually living upon lands of which he is the owner, proprietor or lessee, and which are of not less than fifty acres in extent and who is *bona fide* engaged upon such lands in the pursuit of agriculture, and shall include the son or sons of such person living upon such lands and *bona fide* engaged upon such lands in the pursuit of agriculture.

Rev. Stat.,
c. 318, s. 2,
cl. *i*.

(2) The clause lettered *i* in the said section 2 as amended by subsection 1 of section 2 of *The Game and Fisheries Act, 1930*, is repealed and the following substituted therefor:

"Non-resident."

(*i*) "Non-resident" shall mean any person who has not actually resided in the Province of Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under the provisions of this Act.

Rev. Stat.,
c. 318, s. 2,
cl. *o*,
repealed.

(3) The clause lettered *o* in section 2 of the said Act as amended by subsection 3 of section 2 of *The Game and Fisheries Act, 1930*, is repealed and the following substituted therefor:

"Resident."

(*o*) "Resident" shall mean any person who has actually resided in the Province of Ontario for a period of

EXPLANATORY NOTES

Section 2.—(1) This will have the effect of more clearly defining person who may be classed as "farmers" for the purposes of *The Game and Fisheries Act*.

(2) This will have the effect of more clearly defining persons who should be classed as "non-residents." On one or two occasions officers of the Department have had difficulty in securing convictions under the present provision against persons who were undoubtedly non-residents of the Province, and who were either hunting or fishing in this Province without being in possession of the proper authority.

(3) This amendment is desirable to provide phraseology which will coincide with that of section 3, subsection 2.

twelve consecutive months immediately preceding the time that his residence becomes material under the provisions of this Act.

Rev. Stat.,
c. 318, s. 6,
subs. 1, cl. e,
amended.
Varying
close and
open season.

3. The clause lettered *e* in subsection 1 of section 6 of *The Game and Fisheries Act* is amended by inserting the words "the open season and" after the word "varying" where it occurs in the first line thereof.

Rev. Stat.,
c. 318, s. 17,
subs. 1,
amended.

4.—(1) Subsection 1 of section 17 of *The Game and Fisheries Act* is amended by inserting the word "Deputy" before the word "Minister" where it occurs in the sixth line thereof.

Rev. Stat.,
c. 318, s. 17,
subs. 2,
amended.

(2) Subsection 2 of the said section 17 is amended by inserting the word "Deputy" before the word "Minister" where it occurs in the third line thereof.

Rev. Stat.,
c. 318, s. 31,
repealed.

5. Section 31 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Prohibition
as to use of
dogs.

31.—(1) It shall be unlawful for any person to use or be accompanied by a dog while hunting deer, moose or caribou in that part of the Province of Ontario lying north and west of the southerly and easterly boundaries of the Mattawa River, Lake Nipissing and the French River, including Manitoulin Island.

Restraint of
dogs.

(2) In the said area it shall be unlawful for the owner of any dog to permit such dog to run at large in a locality in which deer, moose or caribou usually inhabit or in which they are usually found.

Prohibition
as to use of
dogs during
close season.

(3) In that part of the Province of Ontario lying south and east of the Mattawa River, Lake Nipissing and the French River, no owner of any dog shall permit such dog to run at large during the close season for deer or moose in a locality in which such animals or any of them usually inhabit or in which they are usually found.

Restraint
of dogs.

(4) Any person harbouring or claiming to be the owner of such dog shall be deemed to be the owner thereof and any dog found running deer, moose or caribou north and west of the southerly boundaries of the Mattawa River, Lake Nipissing and the French River, including Manitoulin Island, or running deer or moose south and east of the Mattawa River, Lake Nipissing and the French River during the close season in the last mentioned area, shall be deemed to be at large with the permission of the

Section 3. Under the present section the Lieutenant-Governor in Council may make regulations varying close seasons in any part of the Province where local or climatic conditions will warrant. There is, however, no corresponding authority to vary the open seasons. This amendment will provide the authority.

Section 4. Under the present subsections 1 and 2 of section 17, the Minister only is authorized to sign the permits referred to, under which the possession of live game may be had for scientific and educational purposes. The amendments now provided grant the authority to sign these permits to the Deputy Minister.

Section 5. The provisions of the new section 31 have the effect of:

- 31.—(1) prohibiting the use of dogs for the hunting of deer, moose or caribou north and west of the Mattawa River, Lake Nipissing and French River, including Manitoulin Island;
- (2) making it unlawful for the owner of a dog to allow such dog to run at large in the said area in any locality inhabited by deer, moose or caribou;
- (3) allowing the use of dogs south and east of the Mattawa River, Lake Nipissing and the French River for the hunting of deer, except during close seasons;
- (4) making provision for the destruction of dogs which are found running deer,—
- (a) at any time north and west of the Mattawa River, Lake Nipissing and French River, including Manitoulin Island, and
- (b) south and east of the Mattawa River, Lake Nipissing and French River during the close season.

owner and may be killed on sight by any person and such person shall not be liable to any penalty or damage therefor.

Rev. Stat.,
c. 318, s. 36,
amended.

6. Section 36 of *The Game and Fisheries Act* is further amended by adding thereto the following subsection:

Hunting of
rabbits.

- (3) It shall be unlawful for any person when using ferrets in the hunting of rabbits to use in addition to a ferret any contrivance whatever other than a fire-arm in the actual taking of rabbits at such time.

Commence-
ment of Act.

7. This Act shall come into force on the 1st day of June, 1931.

Section 6. This amendment has the effect of making illegal certain practices which will include the use of nets, traps, snares, etc., for the actual taking of rabbits where these animals are being hunted by ferrets.

Section 7. Fixes the date upon which amendments become effective.

BILL

An Act to amend The Game and Fisheries
Act.

1st Reading

March 31st, 1931

2nd Reading

3rd Reading

MR. MCCREA

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Game and Fisheries Act.

MR. MCCREA

No. 185

1931

BILL

An Act to amend The Game and Fisheries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Game and Fisheries Act, 1931*.

Rev. Stat.,
c. 318, s. 2,
cl. i,
repealed. **2.**—(1) The clause lettered *i* in section 2 of *The Game and Fisheries Act* as amended by subsection 1 of section 2 of *The Game and Fisheries Act, 1930*, is repealed and the following substituted therefor:

“Non-
resident.” (i) “Non-resident” shall mean any person who has not actually resided in the Province of Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under the provisions of this Act.

Rev. Stat.,
c. 318, s. 2,
cl. o,
repealed. (2) The clause lettered *o* in the said section 2 as amended by subsection 3 of section 2 of *The Game and Fisheries Act, 1930*, is repealed and the following substituted therefor:

“Resident.” (o) “Resident” shall mean any person who has actually resided in the Province of Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under the provisions of this Act.

Rev. Stat.,
c. 318, s. 6,
subs. 1, cl. e,
amended.
Varying
close and
open season. **3.** The clause lettered *e* in subsection 1 of section 6 of *The Game and Fisheries Act* is amended by inserting the words “the open season and” after the word “varying” where it occurs in the first line thereof.

Rev. Stat.,
c. 318, s. 17,
subs. 1,
amended. **4.**—(1) Subsection 1 of section 17 of *The Game and Fisheries Act* is amended by inserting the word “Deputy” before the word “Minister” where it occurs in the sixth line thereof.

Rev. Stat.,
c. 318, s. 17,
subs. 2,
amended. (2) Subsection 2 of the said section 17 is amended by inserting the word “Deputy” before the word “Minister” where it occurs in the third line thereof.

5. Section 31 of *The Game and Fisheries Act* is repealed Rev. Stat.,
c. 318, s. 31,
repealed. and the following substituted therefor:

31.—(1) It shall be unlawful for any person to use or be accompanied by a dog while hunting deer, moose or caribou in that part of the Province of Ontario lying north and west of the southerly and easterly boundaries of the Mattawa River, Lake Nipissing and the French River, including Manitoulin Island. Prohibition
as to use of
dogs.

(2) In the said area it shall be unlawful for the owner of any dog to permit such dog to run at large in a locality in which deer, moose or caribou usually inhabit or in which they are usually found. Restraint of
dogs.

(3) In that part of the Province of Ontario lying south and east of the Mattawa River, Lake Nipissing and the French River, no owner of any dog shall permit such dog to run at large during the close season for deer or moose in a locality in which such animals or any of them usually inhabit or in which they are usually found. Prohibition
as to use of
dogs during
close season.

(4) Any person harbouring or claiming to be the owner of such dog shall be deemed to be the owner thereof and any dog found running deer, moose or caribou north and west of the southerly boundaries of the Mattawa River, Lake Nipissing and the French River, including Manitoulin Island, or running deer or moose south and east of the Mattawa River, Lake Nipissing and the French River during the close season in the last mentioned area, shall be deemed to be at large with the permission of the owner and may be killed on sight by any person and such person shall not be liable to any penalty or damage therefor. Restraint
of dogs.

6. Section 36 of *The Game and Fisheries Act* as amended by section 8 of *The Game and Fisheries Act, 1929*, and section 11 of *The Game and Fisheries Act, 1930*, is further amended by adding thereto the following subsection: Rev. Stat.,
c. 318, s. 36,
amended.

(3) It shall be unlawful for any person when using ferrets in the hunting of rabbits to use in addition to a ferret any contrivance whatever other than a fire-arm in the actual taking of rabbits at such time. Hunting of
rabbits.

7. This Act shall come into force on the 1st day of June, 1931. Commence-
ment of Act

BILL

An Act to amend The Game and Fisheries
Act.

1st Reading

March 31st, 1931

2nd Reading

April 1st, 1931

3rd Reading

April 1st, 1931

MR. MCCREA

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending on the 31st day of October, 1931, and for the Public Service of the financial year ending the 31st day of October, 1932.

MR. DUNLOP

No. 186

1931

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending on the 31st day of October, 1931, and for the Public Service of the financial year ending the 31st day of October, 1932.

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it appears by message from His Honour William Donald Ross, Esq., Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of October, 1931, and for the financial year ending the 31st day of October, 1932, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

\$10,977,417.10
granted for
year ending
31st October,
1931.

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole Ten million nine hundred and seventy-seven thousand four hundred and seventeen dollars and ten cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of November, 1930, to the 31st day of October, 1931, as set forth in schedule "A" to this Act.

\$44,764,359.00
granted for
fiscal year
1931-32.

2. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole Forty-four million seven hundred and sixty-four thousand three hundred and fifty-nine dollars towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of November, 1931, to the 31st day of October, 1932, as set forth in schedule "B" to this Act.

3. Accounts in detail of all moneys received on account of this Province during the said financial year 1930-1931, and of all expenditures under schedule "A" of this Act, shall be laid before the Legislative Assembly at its first sitting after the completion of the said period; and accounts in detail of all moneys received on account of this Province during the financial year 1931-32 and of all expenditures under schedule "B" of this Act shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Accounts
to be laid
before
Assembly.

4. Any part of the money under schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of October, 1931, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Appropriations for
1930-31
unexpended
to lapse.

5. Any part of the money under schedule "B" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of October, 1932, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or after a date fixed by the Lieutenant-Governor in Council as mentioned in section 4 shall lapse and be written off.

Appropriations for
1931-32
unexpended
to lapse.

6. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Accounting for
expenditure.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

SCHEDULE "A"

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and thirty-one, to defray expenses of:

Prime Minister's Department . . .	\$930,000.00
Legislation	6,500.00
Attorney-General's Department . .	178,150.15
Insurance Department	5,300.00
Education Department	2,439,337.00

Lands and Forests Department..	\$366,240.00
Mines Department.....	279,615.00
Game and Fisheries Department..	129,850.00
Public Works Department.....	2,496,961.77
Highways Department.....	116,350.00
Health Department.....	763,375.00
Labour Department.....	18,440.63
Public Welfare Department.....	2,724,800.00
Provincial Treasurer's Department	31,425.00
Provincial Auditor's Office.....	6,500.00
Provincial Secretary's Department	153,179.75
Agriculture Department.....	303,177.80
Miscellaneous.....	28,215.00

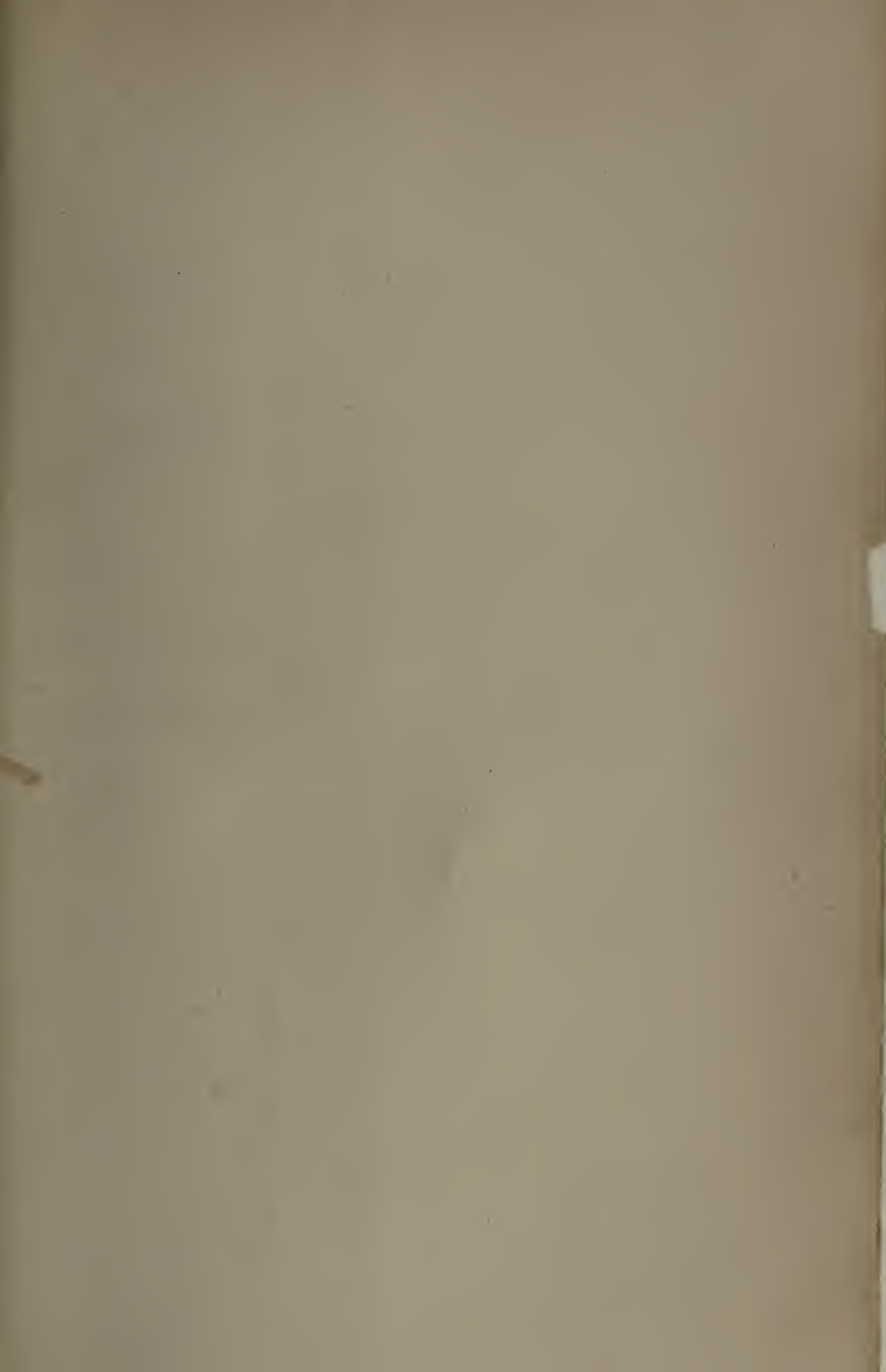
Total estimates for expenditure of 1930-
1931.....\$10,977,417.10

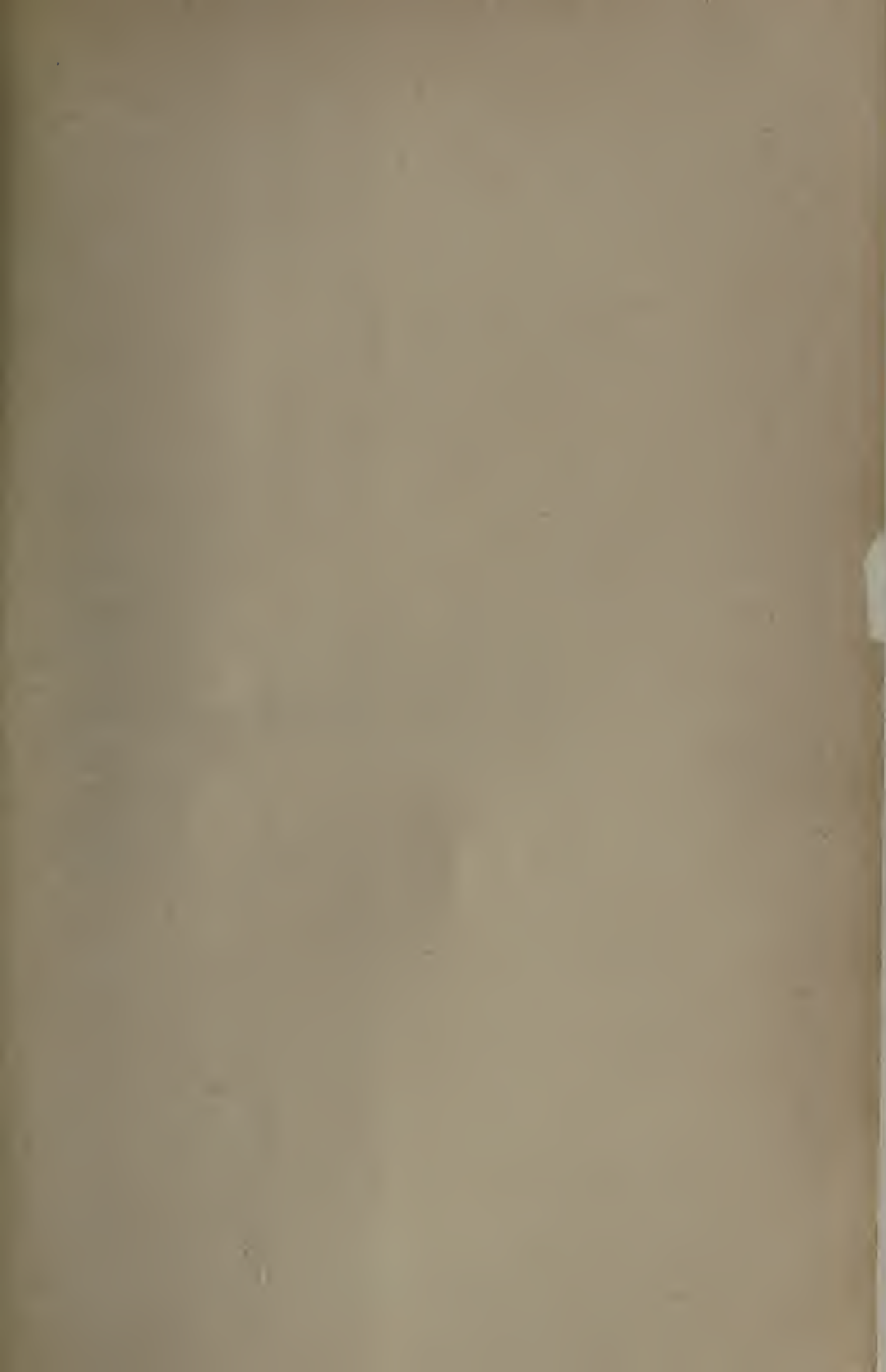
SCHEDULE "B"

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and thirty-two, to defray expenses of:

Lieutenant-Governor's Office....	\$6,450.00
Prime Minister's Department...10,738,525.00	
Legislation.....	356,925.00
Attorney-General's Department.	2,473,805.00
Insurance Department.....	67,500.00
Education Department.....	8,291,909.00
Lands and Forests Department..	2,762,015.00
Northern Development Depart- ment.....	641,950.00
Mines Department.....	443,725.00
Game and Fisheries Department	658,775.00
Public Works Department.....	1,057,335.00
Highways Department.....	634,225.00
Health Department.....	7,069,725.00
Labour Department.....	433,175.00
Public Welfare Department.....	3,540,375.00
Provincial Treasurer's Depart- ment.....	592,425.00
Provincial Auditor's Office....	109,725.00
Provincial Secretary's Depart- ment.....	1,388,480.00
Agriculture Department.....	2,946,315.00
Miscellaneous.....	551,000.00

Total estimates for expenditure of 1931-
1932.....\$44,764,359.00





BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending on the 31st day of October, 1931, and for the Public Service of the financial year ending the 31st day of October, 1932.

1st Reading

April 2nd, 1931

2nd Reading

April 2nd, 1931

3rd Reading

April 2nd, 1931

MR. DUNLOP
